

EXHIBIT A

https://buffalonews.com/news/local/crime-and-courts/former-dea-agent-accused-of-taking-bribes-from-the-mob/article_bcda8766-046d-5971-9a70-dadbf77bb6e.html

Former DEA agent accused of taking bribes from the mob

By Phil Fairbanks, Maki Becker

Nov 5, 2019



(Johannes Eisele/AFP via Getty Images)

By AFP via Getty Images

By Phil Fairbanks, Maki Becker

Joseph Bongiovanni spent two decades as a federal agent working drug cases in Buffalo.



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Now, just eight months after his retirement, the former Drug Enforcement Administration agent stands accused of taking \$250,000 in bribes from drug dealers whom he believed to have ties to "Italian organized crime."

In return, he provided information on drug investigations and the identity of cooperating sources, according to the charges against him.

"Bongiovanni did not investigate his friends or associates and used his position as a DEA special agent ... to shield his friends and associates," prosecutors said in an 11-count indictment against him.

Investigated by Homeland Security, the FBI and the Justice Department's Inspector General Office, the former agent is charged with conspiracy to defraud the United States, conspiracy to distribute controlled substances, obstruction of justice, making false statements to a federal agency and taking a bribe as a public official.

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"The defendant was paid a quarter of a million dollars in bribes," Assistant U.S. Attorney Joseph M. Tripi said in court Tuesday.

The drug conspiracy charge carries a maximum possible sentence of up to life in prison, while the maximum possible sentences for the remaining counts range from five years to 20 years in prison.

Prosecutors claim Bongiovanni's criminal conduct lasted more than a decade and included the sale and use of cocaine.

Bongiovanni, 55, of Tonawanda pleaded not guilty during an appearance before U.S. Magistrate Judge Michael J. Roemer, and his lawyer suggested the charges are groundless.

"This is an allegation," defense lawyer Paul C. Cambria told Roemer. "This is an accusation. There hasn't been any proof yet."

When asked later about the allegation that Bongiovanni has ties to the mob, Cambria said he has heard those type of charges before.

"It makes for great press," he said. "I've been hearing that for all the years I've been practicing. There's no basis for it."

Bongiovanni surrendered himself to federal authorities Tuesday morning at the federal courthouse in downtown Buffalo, where he was later arraigned.

In the indictment unsealed Tuesday, prosecutors accuse the longtime agent of having friends and associates he knew sold marijuana and cocaine and providing them with regular "debriefings" on local drug investigations by the DEA and other agencies.

He is also charged with creating fake investigations so that information, including the identity of cooperating sources, would be funneled his way.

To back up those allegations, prosecutors detail a series of alleged instances of Bongiovanni working on behalf of his co-conspirators.

He is accused, for example, of officially interceding with federal probation officials on behalf of an associate facing punishment for violating his court-supervised release.

On another occasion, according to the indictment, he became involved in the overdose of a stripper at a Cheektowaga "gentlemen's club" operated by a co-conspirator.

Bongiovanni advised his associate to "get her out" of the club, according to court papers.

The former agent is also accused of closing a DEA file on his co-conspirators while at the same time telling fellow agents the file was still open.

Shortly after his retirement in February, Bongiovanni was interviewed by investigators and asked about his relationship with that same co-conspirator, whom he described as a boyhood friend.

"I would sometimes randomly encounter (him) at a restaurant or golf outing and have not made plans to meet him socially in several years," he said at the time.

Bongiovanni, a former Erie County sheriff's deputy, was released on a \$250,000 bond and ordered to limit his travel to Erie and Niagara counties.

At a news conference following Bongiovanni's court appearance, federal authorities made clear that they believe Bongiovanni "was part of a broader and larger organized criminal conspiracy" and that the investigation is far from over.

"This investigation – all aspects of it – remain ongoing, not only Mr. Bongiovanni's conduct but the conduct of his co-conspirators, and other individuals, and I'll leave it at that," said U.S. Attorney James P. Kennedy Jr.

He declined to say whether the case was connected to any other recent federal drug cases in the Buffalo area.

"I'm not going to comment on what is connected and what isn't connected," Kennedy said.

Prosecutors were coy about connecting him directly to the Buffalo mafia, which most law enforcement say is largely nonexistent now.

In court documents and in a press release about the arrest, prosecutors describe the "friends" Bongiovanni is accused of taking bribes from and shielding as "individuals whom he believed were members and associates of IOC [Italian Organized Crime]."

Kennedy refused Tuesday to say definitively that Bongiovanni was working for the mob or that the mob was involved.

"I'm not going to engage in that sort of discussion," Kennedy said.

He said words in the court documents were "carefully chosen."

As the case continues, federal investigators will look at previous cases Bongiovanni was involved in, Kennedy said. So far, it doesn't appear that he may have planted evidence or other such activities, he said.

Authorities also sought to portray Bongiovanni as an "exception" and not the norm.

"Let me be absolutely clear: These charges should in no way be a reflection of the thousands of DEA special agents who serve this nation with honor and integrity, every day," said Homeland Security Investigations Special Agent in Charge Kevin Kelly. "Joseph Bongiovanni is the exception. He chose his own path and charted his own course of deception and betrayal."

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Prosecutors try to disqualify noted defense lawyer in mob case

By Phil Fairbanks

Dec 9, 2019



Noted defense attorney Paul J. Cambria. (Derek Gee/News file photo)

By BN

By Phil Fairbanks

When former federal agent Joseph Bongiovanni found himself facing criminal charges, he turned to one of Buffalo's premier defense lawyers: Paul J. Cambria Jr.

DC's A

Now, the government wants Cambria off the case.

On Monday, during a brief court appearance, Assistant U.S. Attorney Joseph M. Tripi argued that the prominent attorney suffers from a conflict of interest because he once represented one of Bongiovanni's co-conspirators.

Tripi also told U.S. Magistrate Judge Michael J. Roemer that one of Cambria's law partners represents other potential witnesses in the case.

Cambria promised to fight the government's effort and suggested there is another motivation behind the campaign to remove him.

"I think it's part of a strategy to get rid of the more experienced defense attorneys," he said Monday.

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Cambria said his law firm adopted a "shield" to ensure that no information from previous clients is shared with his current client.

He said the government relies on shields all the time when former prosecutors who enter private practice find themselves in potential conflicts.

At the root of Bongiovanni's prosecution is the allegation that the former Drug Enforcement Administration agent took \$250,000 in bribes from drug dealers who he believed had ties to the local Mafia.

In return, prosecutors allege, he provided information on drug investigations and the identity of cooperating sources.

Investigated by Homeland Security, the FBI and the Justice Department's Inspector General Office, Bongiovanni is charged with conspiracy to defraud the federal government, conspiracy to distribute controlled substances, obstruction of justice, making false statements to a federal agency and taking a bribe as a public official.

The drug conspiracy charge carries a maximum possible sentence of up to life in prison, while the maximum possible sentences for the remaining counts range from five years to 20 years in prison.

Prosecutors say Bongiovanni's criminal conduct lasted more than a decade and included the sale and use of cocaine.

Bongiovanni, 55, of the Town of Tonawanda, has pleaded not guilty.

https://buffalonews.com/business/local/federal-agents-raid-cheektowaga-strip-club/article_54e0b34a-9112-547f-b733-1cebc3cae614.html

Federal agents raid Cheektowaga strip club

By Phil Fairbanks, Dan Herbeck

Dec 12, 2019

By Phil Fairbanks, Dan Herbeck

Homeland Security agents raided Pharaoh's Gentlemen's Club in Cheektowaga as part of their investigation into a former DEA agent, a source familiar with the raid said Thursday.

The court-ordered search of the Aero Drive strip club came just weeks after Joseph Bongiovanni, a former Drug Enforcement Administration agent, was indicted and **accused of taking \$250,000 in bribes from drug dealers.**

Investigators say Bongiovanni believed the drug dealers were tied to the Buffalo mafia and, in return, provided information on drug investigations and the identity of cooperating sources.

Paul J. Cambria Jr., Bongiovanni's defense lawyer, said the raid may be part of the government's efforts at linking Peter Gerace, owner of the strip club, to the conspiracy outlined in the charges against his client.

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Cambria denied the existence of a conspiracy and noted that the government is also trying to remove him from the case, claiming he has a conflict of interest.

"One of the reasons they're trying to remove me from this case is because I represented Gerace about 15 years ago in a matter that had nothing to do with the current case," he said. "We are going to fight this and do everything we can to stay in this case."

In the indictment, the former DEA agent is accused of helping the owner of a Cheektowaga gentlemen's club, one of his co-conspirators, when the owner called about a stripper who overdosed at the club.

Bongiovanni, according to court papers, advised his associate to "get her out" of the club.

The indictment does not mention Gerace by name, but Cambria suggested there is nothing wrong or illegal if a club owner removes a person doing drugs on his premises.

In the indictment against Bongiovanni, prosecutors claimed the former agent was interviewed and asked about his relationship with the same co-conspirator, whom he described as a boyhood friend.

"I would sometimes randomly encounter (him) at a restaurant or golf outing and have not made plans to meet him socially in several years," he said at the time.

Investigated by Homeland Security, FBI and the Justice Department's Inspector General Office, Bongiovanni is charged with conspiracy to defraud the United States, conspiracy to distribute controlled substances, obstruction of justice, making false statements to a federal agency and taking a bribe as a public official.

Rachael Yong Yow, a spokeswoman for Homeland Security Investigations, confirmed the presence of federal agents at Pharaoh's, but declined to comment on why they were there.

The U. S. Attorney's Office also declined comment.

The entrance to the strip club parking lot was barricaded by two State Police patrol vehicles during the early evening Thursday, as about a dozen unmarked law enforcement vehicles – including a white trailer with an Erie County Sheriff's Office logo – sat in the lot.

The club is located in a fairly desolate area between Holtz Drive and Transit Road.



In 2012, Pharoah's became the subject of another investigation by Homeland Security agents.

Agents accused managers of the strip club of 40 violations of the U.S. Immigration and Naturalization Act, saying the club failed to file required documents relating to the hiring of more than 40 employees.

Homeland Security officials initially sought penalties of \$38,500 against the club, but an administrative law judge settled on a penalty of \$17,500.

Bongiovanni, 55, of Tonawanda, pleaded not guilty during an appearance before U.S. Magistrate Judge Michael J. Roemer, and at the time, Cambria suggested the charges were groundless.

He dismissed the allegation that his client has ties to the mob.

In the indictment, prosecutors accuse the longtime agent of having friends and associates he knew sold marijuana and cocaine, and providing them with regular debriefings on local drug investigations by the DEA and other agencies.

He is also charged with creating fake investigations so that information, including the identity of cooperating sources, would be funneled his way.

Bongiovanni, a former Erie County sheriff's deputy, was released on a \$250,000 bond and ordered to limit his travel to Erie and Niagara counties.

News Staff Reporter Harold McNeil contributed to this report.

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Pharaoh's strip club raid fuels reports of mafia links

By Phil Fairbanks

Dec 15, 2019

By Phil Fairbanks

If you buy the argument that former DEA agent Joseph Bongiovanni is tied to the Buffalo mafia, it might be because of his boyhood relationship with Peter Gerace.

Gerace is the operator of Pharaoh's, the Cheektowaga strip club raided by federal agents Thursday, and the nephew of Joseph Todaro Jr.

For years, the FBI maintained the Todaro family – Todaro and his late father, Joseph Todaro Sr. – headed the local mob, but investigators never proved that allegation.

Federal prosecutors stopped short of tying Bongiovanni directly to the mob but, **in his Nov. 5 indictment, made several references to "Italian organized crime."**

When federal agents followed up by raiding Pharaoh's, two sources said the raid indicates prosecutors suspect there may be a link to the mob.

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On Friday, Gerace's lawyer dismissed that notion.

"Anyone who would suggest my client is connected to organized crime doesn't know him," said defense attorney Joel L. Daniels.

In addition, a lawyer who knows both Todaro and Gerace said the government's efforts to link the two is based on groundless allegations.

Two other sources who know Gerace said he and Bongiovanni go back decades, and that Gerace is "co-conspirator 1," a reference found repeatedly in the 11-count indictment against Bongiovanni.

The indictment does not mention Gerace or Pharaoh's by name but claims co-conspirator 1 called Bongiovanni from a Cheektowaga strip club he ran when one of his strippers overdosed on drugs.

Bongiovanni, according to the government, advised co-conspirator 1 to "get her out" of the club.

After his retirement from the Drug Enforcement Administration, Bongiovanni was interviewed and asked about his relationship with co-conspirator 1 and the former agent described him as a boyhood friend, according to the indictment.

"I would sometimes randomly encounter (him) at a restaurant or golf outing and have not made plans to meet him socially in several years," he said at the time.

Gerace is not charged at all but his brother, Anthony, is facing drug and firearms charges in a separate federal prosecution. Both cases are based on Homeland Security Investigations.

Anthony Gerace was indicted after federal agents searched his home in Clarence Center in January and found two hockey bags stuffed with marijuana, 14 firearms and \$103,000 in cash, according to court papers.

When asked if Anthony Gerace's case is connected to Bongiovanni, Thomas J. Eoannou, his defense lawyer, said, "My client's charges stand alone in a separate indictment."

The court-ordered search of Pharaoh's on Aero Drive followed the indictment accusing Bongiovanni **of taking \$250,000 in bribes from drug dealers.**

In return, according to prosecutors, he provided information on DEA investigations and the identity of cooperating sources. They also claim that he believed the drug dealers he was dealing with were tied to the Buffalo mafia.

He is also charged with creating fake investigations so that information, including the identity of cooperating sources, would be funneled his way.

Investigated by Homeland Security, FBI and the Justice Department's Inspector General Office, Bongiovanni is charged with conspiracy to defraud the United States, conspiracy to distribute controlled substances, obstruction of justice, making false statements to a federal agency and taking a bribe as a public official.

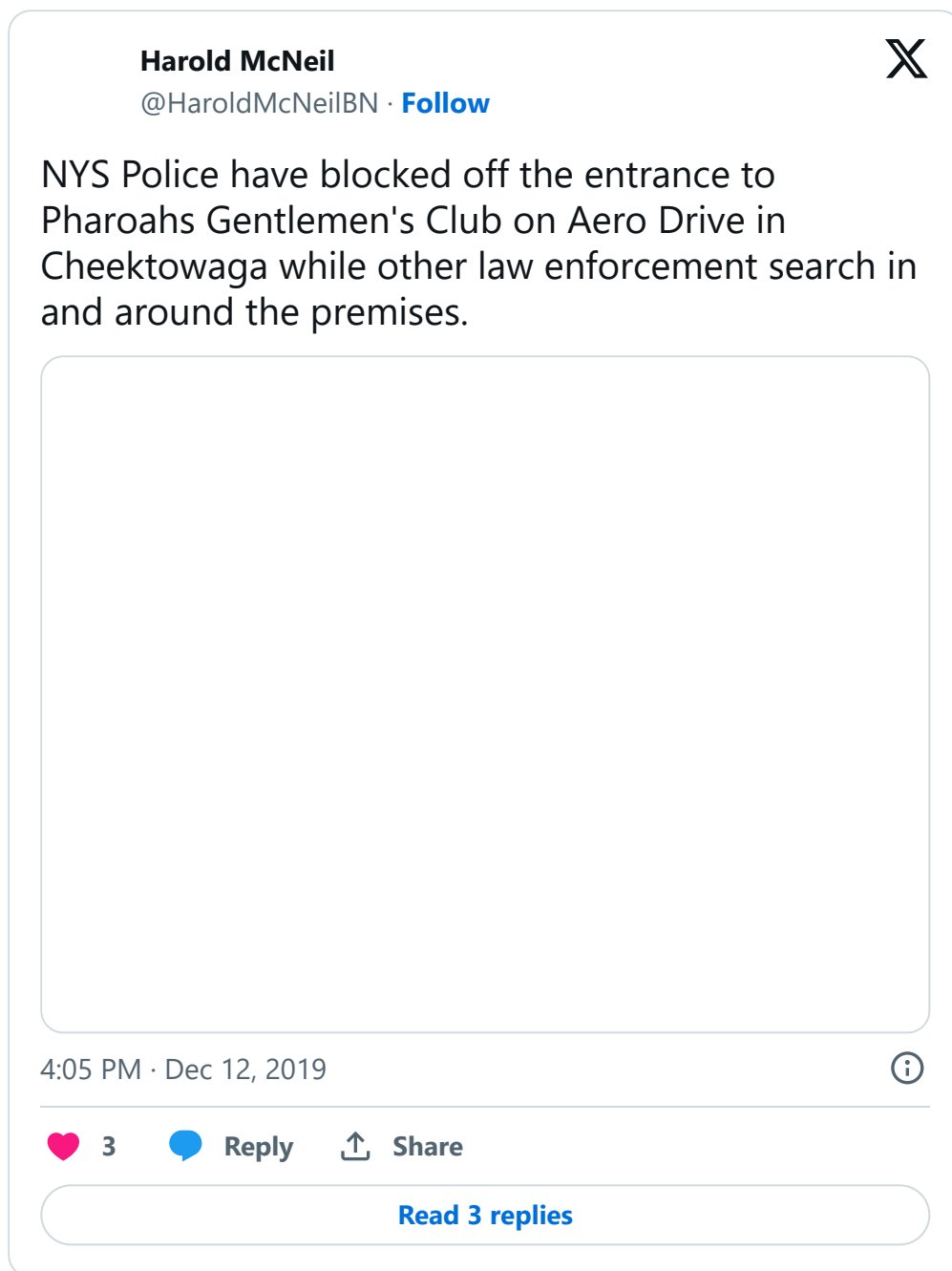
Bongiovanni, 55, of Tonawanda, has pleaded not guilty.

When asked about the allegation that Bongiovanni has ties to the mob, defense attorney Paul J. Cambria Jr. said he has heard those type of charges before.

"It makes for great press," he said at the time. "I've been hearing that for all the years I've been practicing. There's no basis for it."

After the Pharaoh's raid, Cambria said the raid may be part of the government's efforts at linking Peter Gerace to the conspiracy outlined in the charges against his client.

Cambria called the government's conspiracy allegations groundless and noted that the government is also trying to remove him from the case, claiming he has a conflict of interest.



The U.S. Attorney's Office and Homeland Security Investigations have declined comment on the raid except to confirm that Homeland Security was at the scene of Pharaoh's on Thursday.

Bongiovanni, a former Erie County sheriff's deputy, was released on a \$250,000 bond and ordered to limit his travel to Erie and Niagara counties.

News Staff Reporter Dan Herbeck contributed to this report.

Former DEA agent accused of taking bribes from the mob

https://buffalonews.com/news/local/crime-and-courts/paul-cambria-withdraws-from-defense-of-dea-agent-linked-to-mob-case/article_79f5ea34-51ff-5fc1-83b0-9c962bd999fa.html

Paul Cambria withdraws from defense of DEA agent linked to mob case

By Phil Fairbanks

Mar 10, 2020



Paul Cambria. (Sharon Cantillon/News file photo)

By Sharon Cantillon

By Phil Fairbanks

Joseph Bongiovanni, the former DEA agent accused of taking bribes from drug dealers, is without a lawyer.

Noted criminal defense attorney Paul J. Cambria Jr. is withdrawing from the case and blaming his early departure on false conflict of interest claims by the government.

Prosecutors say Cambria once represented one of Bongiovanni's co-conspirators and that one of his law partners currently represents potential witnesses in the case.

"I'm pretty much representing myself," Bongiovanni told U.S. Magistrate Judge Michael J. Roemer during a court hearing Monday.

When the allegations of a conflict first arose, Cambria promised to fight them and dismissed them as an attempt to remove him from the case. "I think it's part of a strategy to get rid of the more experienced defense attorneys," Cambria said in December.

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On Monday, Cambria echoed those statements but indicated the protracted legal battle over his status was proving to be a distraction for his client.

"He needs to focus his energy on defending himself," Cambria said.

[Related: Prosecutors try to disqualify noted defense lawyer in mob case]

At the root of Bongiovanni's prosecution is the allegation that, for more than a decade, the former Drug Enforcement Administration agent took \$250,000 in bribes from drug dealers he believed had ties to the local Mafia.

In return, he provided information on drug investigations and cooperating sources, according to prosecutors. He is also accused of using and selling cocaine.

Bongiovanni, 55, has pleaded not guilty.

Investigated by Homeland Security, the FBI and the Justice Department's Office of the Inspector General, Bongiovanni is charged with conspiracy to defraud the federal government, conspiracy to distribute controlled substances, obstruction of justice, making false statements to a federal agency and taking a bribe as a public official.

The drug conspiracy charge carries a maximum possible sentence of up to life in prison, while the maximum possible sentences for the remaining counts range from five years to 20 years in prison.

Homeland Security agents **raided Pharaoh's Gentlemen's Club** in Cheektowaga in December as part of their investigation into Bongiovanni, a source familiar with the raid told The News at the time.

The court-ordered search of the Aero Drive strip club came just weeks after Bongiovanni was indicted.

Former DEA agent accused of taking bribes from the mob

https://buffalonews.com/news/local/crime-and-courts/feds-tie-former-dea-agent-to-drug-dealer-and-italian-organized-crime/article_51bd5ec7-6318-5c22-a97d-c7ace9ee9a99.html

Feds tie former DEA agent to drug dealer and 'Italian Organized Crime'

By Phil Fairbanks

Jun 22, 2020



In a new indictment against a former DEA agent, prosecutors allege he helped protect a former Buffalo school teacher with ties to the mob. (Mark Mulville/News file photo)

By BN

By Phil Fairbanks

Former DEA agent Joseph Bongiovanni is accused of protecting drug dealers with ties to the local mob.

And now, for the first time since his arrest, federal prosecutors are naming names.

A new grand jury indictment against the former agent also names Michael Masecchia, a former Buffalo school teacher described in court papers as a longtime drug dealer and member or associate of "Italian Organized Crime."

At the core of the 17-count indictment is the allegation that Masecchia was among those who benefited from Bongiovanni's position as a DEA agent.

Bongiovanni is accused of blocking investigations into Masecchia and others he believed were tied to the local Mafia and, in return, receiving at least \$250,000 in bribes.

Prosecutors said he also provided information on drug investigations and cooperating sources and, at times, used and sold cocaine.

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Bongiovanni and Masecchia have pleaded not guilty.

"While the superseding indictment adds another person and some additional facts, it does not change the case from Mr. Bongiovanni's perspective," defense lawyer James P. Harrington said Monday. "He denies all of the allegations as baseless contrivances of the government and will vigorously defend this case."

The indictment claims Masecchia was the target of several DEA investigations between 2008 and 2019 and yet was never arrested or charged while Bongiovanni was an agent.

During one of those investigations in July of 2013, prosecutors said a local law enforcement official mistakenly tipped off Bongiovanni in an email.

"Masecchia is an associate and possible made member of the Buffalo LCN family," the email said, according to court papers. LCN was a reference to La Cosa Nostra.

In a statement Monday, Masecchia's lawyer challenged the government's profile of his client.

"Mike has a stellar background in the community, excellent football player in college and a respected teacher in the public school system for more than 20 years," said defense attorney Terrence M. Connors.

The allegations against Bongiovanni indicate there are other co-conspirators, still unnamed, who he also protected.

One of his tactics, according to the indictment, was to feign investigations into his friends and associates to ensure that any law enforcement information about them would be funneled his way.

Prosecutors said Bongiovanni also provided cover stories to his associates and, in one instance, suggested they pass themselves off as potential informants if they were ever questioned about their relationship with him.

For Masecchia, a former Buffalo public high school teacher, the indictment is the first indication that prosecutors believe he is tied to Bongiovanni and the mob.

Arrested in August after a search of his Williamsville home, he was charged with illegal gun possession and marijuana distribution, but there was no mention of a link to Bongiovanni or the Mafia.

The prosecution, led by Assistant U.S. Attorney Joseph M. Tripi, said the search also resulted in the seizure of seven homemade explosives, two rifles, five shotguns, nearly \$28,000 in cash, a digital scale and a small amount of marijuana.

Both Masecchia and Bongiovanni appeared Monday before U.S. District Judge John L. Sinatra Jr. with Bongiovanni appearing with his new lawyer.

Harrington took over after defense attorney Paul J. Cambria Jr. withdrew from the case, blaming his early departure on what he considered false conflict of interest claims by the government.

Prosecutors said Cambria once represented one of Bongiovanni's co-conspirators and that one of his law partners currently represents potential witnesses in the case.

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Investigated by Homeland Security, the FBI and the Justice Department's Office of the Inspector General, Bongiovanni and Masecchia are charged with conspiracy to defraud the federal government, conspiracy to distribute controlled substances, obstruction of justice, making false statements and taking or giving a bribe.

In December, just days after Bongiovanni was first indicted, Homeland Security agents **raided Pharaoh's Gentlemen's Club** in Cheektowaga.

A source familiar with the court-ordered search of the Aero Drive strip club said it was part of the investigation into the former DEA agent.

U.S. Attorney James P. Kennedy Jr. declined to comment Monday.

https://buffalonews.com/news/local/during-a-pandemic-even-strip-clubs-raided-by-federal-agents-want-a-helping-hand/article_4c95d40c-b87f-11ea-b9df-177cb772340a.html

During a pandemic, even strip clubs raided by federal agents want a helping hand

Phil Fairbanks

Jun 28, 2020



Law enforcement officer outside Pharaoh's Gentlemen's Club on Aero Drive in Cheektowaga during a December 2019 raid.

Buffalo News file photo

Phil Fairbanks

During a global pandemic, even **strip clubs** want a helping hand.

\$5.99

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The owners of Pharoah's Gentlemen's Club, in a new lawsuit, claim they were improperly denied a loan through the federal government's Paycheck Protection Program.

At the crux of Pharoah's complaint is the SBA's denial of its loan application because of the club's role as a venue for "live performances of a prurient sexual nature."

Shuttered since mid-March, the Cheektowaga club has been unable to pay its 76 employees, according to court papers.

The PPP loans, administered by the Small Business Administration, are designed to help employers cover payroll, rent and other expenses during the Covid-19 outbreak.

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"They need the money to stay in business," said Edward P. Yankelunas, a lawyer for the club. "They can't pay their mortgage, they can't pay their employees and they can't pay their vendors."

The suit, filed in U.S. District Court in Buffalo, follows a Homeland Security raid of the club in December.

At the time, sources familiar with the court-ordered search said it was tied to the indictment of a former DEA agent accused of protecting drug dealers and taking bribes.

In answering the civil suit filed by Pharoah's, federal prosecutors point to the raid and the search warrant detailing potential crimes, from money laundering to a drug conspiracy.

In court papers, Assistant U.S. Attorney Michael S. Cerrone also makes mention of Anthony Gerace, a manager at the club, and his federal indictment on gun and drug charges.

Gerace's lawyer dismissed the government's claims and said his client agreed to work for his brother, Peter Gerace, the club's operator, after he was charged.

"His brother offered him a job so we could get him out on bail," said defense attorney Thomas J. Eoannou. "One has nothing to do with the other."

In the civil case, Pharoah's sought a preliminary injunction against the SBA and the government responded by moving to dismiss the case.

In a ruling Friday, U.S. District Judge Lawrence J. Vilaro rejected the request for an injunction and the motion to dismiss.

The club's owners argue that their business is a form of protected free speech and that the SBA's restrictions against businesses presenting "live performances of a prurient sexual nature" are unconstitutional.

In his ruling, Vilaro noted that two other federal courts have found the agency's exclusion of strip clubs is contrary to what Congress intended when it passed the law creating the loan program.

"Whether you find it unsavory doesn't matter," Yankelunas said. "You can't withhold a subsidy based on a viewpoint."

In a similar case here, this one involving **the Catholic Dioceses of Buffalo and Rochester**, the court found that the SBA acted within its authority in rejecting their loan requests because they have filed for bankruptcy protection from creditors.

To qualify for a PPP loan, a business or organization must have 500 employees or fewer.

There are no fees or collateral required for the loans and they are fully forgiven if at least 60 percent of it is used for payroll. If not, the business must repay the loan within five years at 1% interest.

Like Eoannou, Yankelunas dismisses the government's contention that Anthony Gerace's pending criminal case and the federal raid in December are tied in any way to the civil lawsuit against the SBA.

"They have nothing to do with the issues that are going to decide this case," he said.

The raid at the Aero Drive night spot followed an indictment accusing former DEA agent Joseph Bongiovanni of taking \$250,000 in bribes from drug dealers.

In return, according to prosecutors, Bongiovanni provided information on DEA investigations and the identity of cooperating sources.

They also claim the former agent believed the drug dealers he was dealing with **were tied to the Buffalo mafia.**

Bongiovanni, 55, of Tonawanda, has pleaded not guilty.

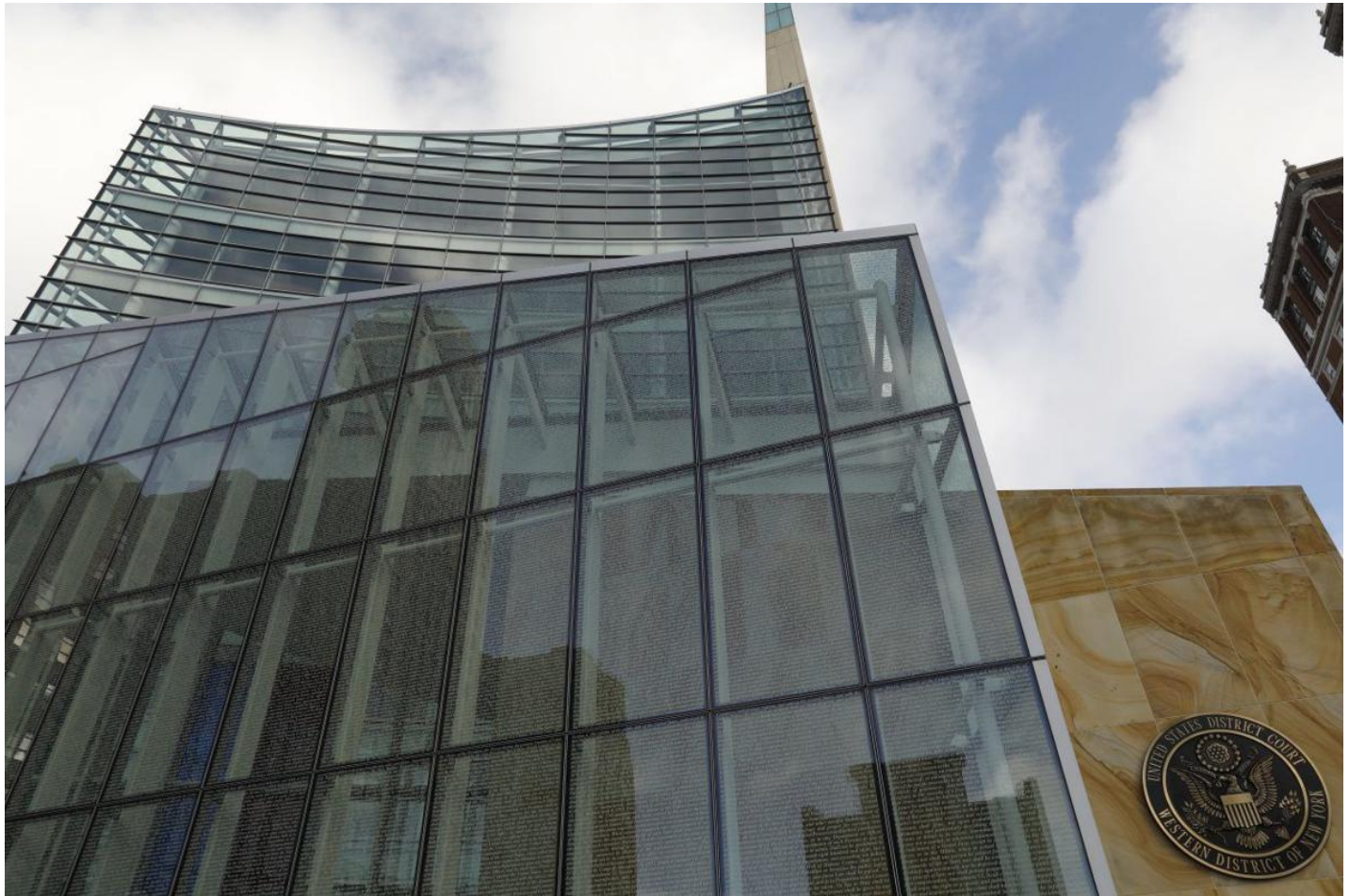
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Buffalo teacher admits to illegal gun possession and selling marijuana

Barbara O'Brien

Dec 10, 2020



Derek Gee

Barbara O'Brien

A Buffalo high school teacher who pleaded guilty Wednesday to gun and drug charges repeatedly distributed marijuana trafficked into Buffalo and its suburbs for 20 years, according to prosecutors.

As part of his plea agreement, Michael Masecchia, 54, of Williamsville, also admitted he received sensitive law enforcement information from his co-defendant, Joseph Bongiovanni, who worked as a special agent for the U.S. Drug Enforcement Administration in Buffalo. The former DEA agent provided the names of potential cooperators and whether Masecchia and others were under federal investigation, according to the plea agreement. That enabled Masecchia and others to continue in their marijuana distribution activities undetected by other members of law enforcement.

A grand jury indictment last summer against Bongiovanni accused him of blocking investigations into Masecchia and others he believed were tied to the local Mafia and, in return, receiving at least \$250,000 in bribes.

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The plea agreement included a "conservative estimate" of 2,204 to 6,613 pounds of marijuana involved in Masecchia's "relevant conduct," based on anticipated witness testimony and evidentiary seizures.

Masecchia pleaded guilty before U.S. District Judge John L. Sinatra Jr. to possession with intent to distribute marijuana and possession of firearms in furtherance of drug trafficking crimes.

The charges carry a mandatory minimum penalty of five years in prison, a maximum of life and a \$250,000 fine.

Assistant U.S. Attorneys Joseph M. Tripi and Brendan T. Cullinane said Masecchia and others also participated in marijuana growing operations in the Cattaraugus County towns of Ellicottville and Franklinville. The marijuana grown there was distributed to resellers and users.

In addition, Masecchia possessed firearms to protect himself, his proceeds and property where he stored marijuana and money, they said.

During a search of Masecchia's Main Street home Aug. 23, 2019, investigators from Homeland Security Investigations, the FBI, Erie County Sheriff's Office and the Niagara County Sheriff's Office seized \$27,950 in U.S. currency, two rifles, five shotguns, a pistol, ammunition for the firearms, three Mason jars containing marijuana, various steroids in liquid and tablet form, hypodermic needles, THC edibles, cannabis syrup, two grams of a white powder suspected to be cocaine, Tylenol with codeine tablets, suspected hashish, a digital scale, a suspected marijuana cigarette, numerous plastic bags and small bottles containing marijuana and four cellphones.

The sentencing date has been set for April 8.

Masecchia was placed on leave after his arrest in 2019.

By Barbara O'Brien

Reporter

https://buffalonews.com/news/local/prosecutors-buffalo-fraudster-tried-to-cash-in-with-covid-19-tests-n95-face-masks/article_d5618ca8-5132-11eb-b06b-03b80838dd65.html

Prosecutors: Buffalo 'fraudster' tried to cash in with Covid-19 tests, N95 face masks

Lou Michel

Jan 11, 2021



Joseph Bella, a Buffalo man who federal law enforcement authorities said defrauded customers while selling Covid-19 test kits during the pandemic. Authorities raided his business in April 2020, seized \$114,063 from its bank account, and charged Bella with possessing drugs, a gun and ammunition.

Court exhibit from the U.S. Attorney's Office

Lou Michel

Covid-19 spawned dread and death, but Joseph C. Bella III spotted an opportunity to cash in.

The 48-year-old Buffalo man started advertising in March on social media he was selling Covid-19 test kits and N95 masks.

But his alleged lies about having a licensed laboratory, ultra-cold storage for test kits, and of selling 25,000 of the tests to the federal government brought his business to a screeching halt in April.

That's when federal agents raided his home and office, seized \$114,063 from his business account as evidence of fraud, and **charged him with possessing drugs, a gun and ammunition.**

Bella's attempt to profit from the pandemic had gone beyond sales. According to the U.S. Attorney's Office in Buffalo, he had lied on applications that allowed him to illegally receive \$91,600 in federal disaster loans through the U.S. Small Business Administration and \$66,097 from the federal Covid-19 relief Payroll Protection Program.

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Bella, who has pleaded not guilty to gun and drug charges, has not been charged in the Covid-19 business dealings, although an assistant U.S. attorney said in April that charges are expected.

"As I understand it, Mr. Bella was bringing tests into this state ... not a bad thing," Bella's attorney, Thomas J. Eoannou, told a federal judge in April.

Federal prosecutors described it differently.

History of fines

For Bella, serving at the helm of a business targeted by authorities was nothing new.

Shortly after the 2002 arrest of the Lackawanna Six, Bella started selling potassium iodide pills to thwart radiation poisoning from what he said was the threat of a “dirty bomb.” The state shut down his business and fined him \$2,500.

In 2013, Bella agreed to pay \$165,000 in restitution and penalties for illegal debt-collecting practices under a settlement with the state.

Two years later, the New York State Attorney General’s Office and Federal Trade Commission **accused his debt-collecting business of using lies and threats of arrest** to unlawfully collect \$8.7 million from Americans. Bella was fined \$112,000 and barred from working in the debt collecting industry.

It was that history that raised red flags among Department of Homeland Security agents who began looking into his newest venture in March, according to court documents.

Bella told customers that supplies of the Covid-19 test kits were limited and he urged them to quickly place orders, according to an undercover Homeland Security agent.

Bella claimed to be working with doctors and scientists. He said he operated laboratories in Buffalo and had freezers that could maintain extremely low temperatures to preserve the testing chemicals, according to a court document filed by prosecutors in the forfeiture case.

But when agents raided his Med-Cor Staffing business at 155 Summer St., they found nothing resembling the elaborate operation he bragged about.

There were some Covid-19 test kits, which Bella was reselling at almost four times the price he paid for them, but they were not in a freezer and there was no laboratory, according to the court documents.

“It's literally some tables and chairs and cubicles,” federal authorities said in court documents related to the April 23 raid.

In a separate raid at Bella's home at 224 Summer, agents alleged cocaine, ecstasy, marijuana, a digital scale, packing material, a shotgun and ammunition for a handgun were seized, resulting in several criminal charges to which Bella has pleaded not guilty.

Federal authorities said Bella sold drugs at Buffalo bars and had connections to organized crime and a federal DEA agent who has been indicted for taking bribes.

On Bella's phone, agents found photos and videos of **Frank J. "Butch" BiFulco**, who prosecutors alleged was part of organized crime. BiFulco, **who died in October**, was known to many as "Butchie BiFocals."

Prosecutor talks about the contacts in Joseph Bella's phone (p. 22).

There is also a number of drug trafficking and racketeering-type predicates that the people in Mr. Bella's phone were involved in. His phone by our count had at least 45 individuals who law enforcement determines to be members or associates with organized crime groups, drug traffickers or debt collection in Bella's phone. It also depicts Bella in a

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Attorney Thomas J. Eoannou, who represents Bella and was BiFulco's attorney, has disputed Bella has any connections to organized crime and said that Bella "barely knew" BiFulco.

Eoannou made his comment at a federal detention hearing on the drug and weapons-related charges. He also pointed out that Bella had not been charged with a crime over his Covid-19 business dealings and noted that that his client had attempted to reach out to the governor's office on his business efforts.

Defense attorney Eoannou on Joseph Bella's Covid-19 tests (p. 77)

COVID-19 is uncharged conduct. As I understand it, Mr. Bella was bringing tests into this state from Utah through Florida, not a bad thing. I don't know anything about what rates are exorbitant and what's going on in this day and age, but I think the Court asked the best question, is it per se illegal, and the government's theory is what he said was fraudulent, but we're not charged, so we can't adequately respond to that, but other than to say he was trying to bring

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Assistant U.S. Attorney Joseph M. Tripi told U.S. Magistrate Judge Michael J. Roemer at the April 27 hearing that criminal charges for the Covid-19 dealings are anticipated.

“Knowing he is a fraudster, they began an investigation right away and he was dealing with an undercover, the whole time jacking up the price from eight bucks to 35 bucks, misrepresenting who Med-Cor was, misrepresenting the kits as they were point-of-care tests, misrepresenting that Med-Cor was a laboratory, pretending that they had doctors and scientists on staff to answer questions and that they had like a legitimate capability to back someone up who bought these tests,” Tripi said. “It was all garbage.”

'Mr. Bella sees opportunity'

In the weeks after the September 2002 arrests of **the Lackawanna Six** – a group of young men who had traveled to Afghanistan and met with Osama bin Laden before the Sept. 11, 2001, terrorism attacks – Bella started a business that raised fears of radioactive dirty bombs being ignited, Tripi said.

Bella had sent out an autodial recorded message in mid-October 2002 to hundreds of residents, stating:

"This is the anti-terrorism unit of BioFend in Western New York regarding the recent activities in our neighborhoods. You've probably heard that our local authorities have detained six allegedly trained al-Qaida terrorists and there are more on the prowl.

"We believe that the goal of this terrorist cell was to detonate briefcase-sized 'dirty bombs' right here in Western New York. ... Our division is responsible for delivering crisis kits to every household in Western New York. ... We cannot stress the importance of getting back to us enough. Agents are standing by."

Bella was hawking \$29.95 "crisis kits" that contained potassium iodide pills to counteract radiation exposure, according to the State Attorney General's Office. The pills were an over-the-counter medication Bella had marked up.

"When everyone else is concerned about the safety of this country and their loved ones and is rallying again for the buildings that fell in a pile of rubble, Mr. Bella sees opportunity. Opportunity to prey on victims and scam them," Tripi said. "And that is what he did in 2002."

Prosecutor: He is laying the ground work to scam people (p. 31)

So that brings us to the COVID-19 related wire fraud that I discussed, your Honor. So I'll go through what is on the screen, but just as a summary, Mr. Bella, similar to what he did after the Lackawanna Six when he saw opportunity with the "dirty bomb" pill. He did the same thing in the course of this COVID-19 pandemic. When everyone is worried about their loved ones being safe and whether people have been infected that they love, he is laying the ground work to scam people to make money. And he does a couple of things. From

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After the state shut down Bella's iodide pill business, Bella agreed to pay a \$2,500 penalty and the Attorney General's Office obtained a court order prohibiting him from operating similar businesses.

Organized crime and a DEA agent

Tripi elaborated on Bella's alleged connection to the drug world during the detention hearing.

Bella allegedly traveled back and forth from Canada, sometimes undetected in a boat, to bring drugs into Buffalo, where he distributed them in bars, Tripi said.

Bella was on the radar of federal authorities when he was stopped at the Peace Bridge in July 2016, and an officer confiscated his phone.

After contacts in the phone were downloaded, Tripi said it was determined the phone numbers were associated with "organized crime and drug trafficking types."

That resulted in a Homeland Security agent paying a courtesy call to the DEA about Bella in August 2016.

During that meeting, then-**DEA agent Joseph Bongiovanni** entered the conference room uninvited, listened to what was said and started downplaying the Homeland Security agent's information, according to federal authorities.

Bongiovanni was indicted in 2019, several months after his retirement, for allegedly accepting \$250,000 in bribes from organized crime members involved in drug trafficking.

When Bongiovanni's cellphone numbers were later compared to those in Bella's phone, Tripi said, "he had all of Bongiovanni's co-conspirators in his phone."

Tripi also informed Roemer that Bella has a long history of arrests dating back to the 1990s that include arrests in Florida. Among them was battery of a police officer and resisting arrest. In 2019, Bella was charged with aggravated harassment in Orchard Park. Bella has also used different identities, including the name Joseph Phillips, and has four different Social Security numbers, Tripi said.

Bella's Covid-19 venture

In urging the undercover Homeland Security agent to buy Covid-19 test kits, Bella portrayed his business as brisk.

"I have only got 50,000 with my name on them. I just sold 25,000 to the United States government ... and now I've got 25,000 left," Bella said to the agent, who later checked and determined the government had not purchased any kits from him.

Bella also described his supply business as all-encompassing.

"We have every single thing that can be imagined as far as testing for Covid, from conception to shrink wrap," he told the agent.

When the agent asked if the testing supplies were made in the United States, Bella said they were. "We have a warehouse set up right now in San Diego where these are being frozen, they have to remain frozen at negative 20 degrees," he said.

In conversations with the maker of the tests, CoDiagnostics, the agent said he learned that Bella misrepresented himself to the manufacturer, claiming he had a laboratory, which is required to perform the tests.

A CoDiagnostics official said the company would not have sold tests to Bella if it was known he was going to resell them on the open market, the agent stated in the court papers.

After the Homeland Security agent agreed to purchase 5,000 test kits from Bella, the agent wired a partial payment of \$43,750 on April 16 to Bella's bank account.

The agent subsequently confirmed that Bella had placed an order for the test kits with CoDiagnostics. Seven days later on April 23, agents raided Med-Cor.

Federal authorities said they discovered three companies last spring placed orders with Med-Cor for protective masks and paid thousands of dollars in deposits. The investigation determined Bella did not have masks and was not a supplier.

Prosecutor: Bella is going to be indicted in Covid-19 test kit scam (p. 33).

run a legitimate tests. So Mr. Bella gets these at a lower price and then tries to flip them at a price of about \$8 a kit. He tries to flip them for \$35 a kit. Knowing he is a fraudster, they began an investigation right away and he was dealing with an undercover, the whole time jacking up the price from eight bucks to 35 bucks, misrepresenting who Med-Cor was, misrepresenting the kits as they were point of care tests misrepresenting that Med-Cor was a laboratory, pretending that they had doctors and scientists on staff to answer questions, and that they had like a legitimate capability to back someone up who bought these tests. It was all garbage. And he is going to be indicted for this in short order. It's just longer

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Attorney: Drugs were fake movie prop

Eoannou said he is challenging the government's civil forfeiture of the \$114,063 it took from Bella's bank account, but he declined to further comment on his client's Covid-19 business.

Of the drugs and weapons-related charges, Eoannou said 2 ounces of cocaine seized from Bella's home was fake and subsequent tests by the government confirmed that.

"The alleged cocaine was a prop for a movie he was making," Eoannou said, adding that **the movie project** was never completed.

During the detention hearing, Eoannou said the shotgun that was seized was a gift from Bella's uncle and that it was rusty, 40 years old and would have exploded if it had fired.

Of the indicted former DEA agent, Eoannou told the judge Bella did not know him.

"...my client says if he walked in the courtroom, he wouldn't recognize him. He does not recall ever meeting him. The fact that he has people that know the same people, it's a small town," Eoannou said.

Of Bella's past criminal history, the lawyer said, "It's minor and insignificant."

Roemer ruled against the government's request that Bella be detained. He was conditionally released to home detention on a \$340,000 bond following the hearing.

His next appearance on the federal drug and weapon charges is set for Monday. A court date on the civil forfeiture of Bella's \$114,063 has not been scheduled.

By Lou Michel
reporter

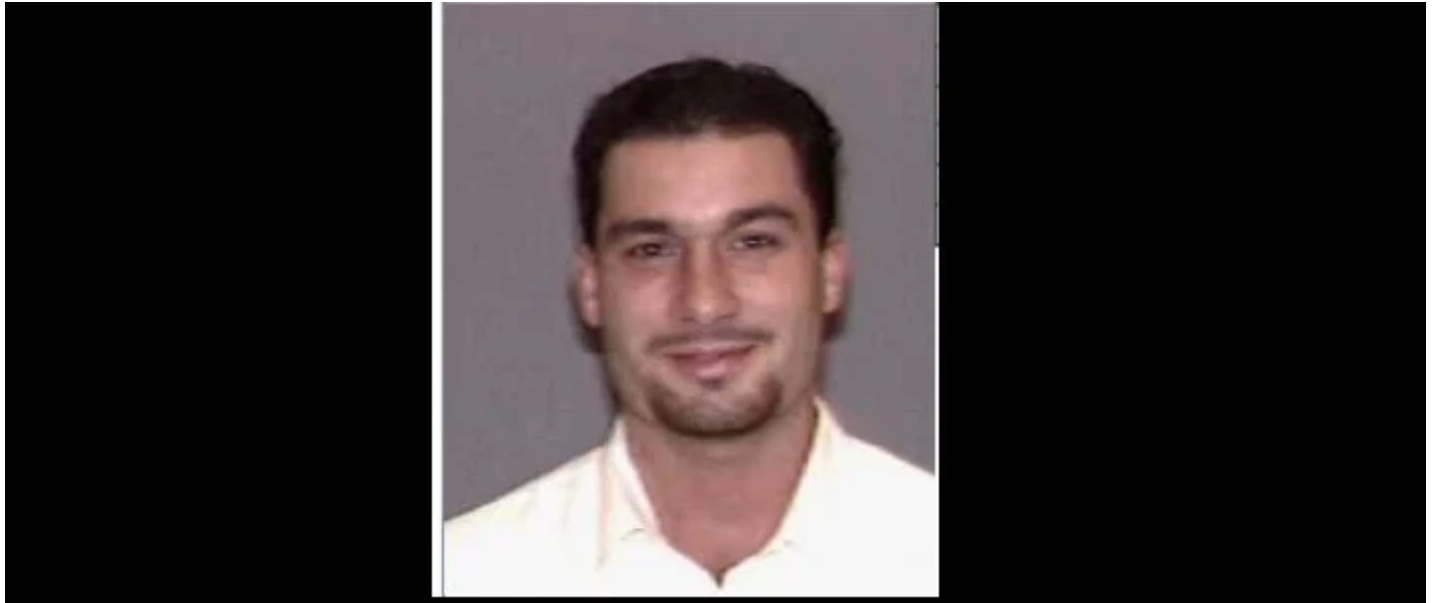
https://buffalonews.com/news/local/crime-and-courts/feds-cite-link-between-longtime-scammer-and-buffalo-organized-crime/article_6623931c-6fa1-11eb-bc03-d7a70fef3d51.html

TOPICAL

Feds cite link between longtime scammer and Buffalo organized crime

Lou Michel , Dan Herbeck

Feb 28, 2021



Joseph Bella, a Buffalo man who federal law enforcement authorities said defrauded customers while selling Covid-19 test kits during the pandemic. Authorities raided his business in April 2020, seized \$114,063 from its bank account, and charged Bella with possessing drugs, a gun and ammunition.

Court exhibit from the U.S. Attorney's Office

Lou Michel , Dan Herbeck

When a prosecutor tried to convince a judge that Joseph C. Bella III should be denied bail on drug and weapon charges, he mentioned “Mafia” four times and “organized crime” seven times.

On Bella’s phone, the prosecutor said, there were pictures and videos of an alleged member of Buffalo’s Mafia and contact information for a federal agent accused of taking bribes from drug dealers he believed had links to “Italian organized crime.”

There was even a photo of Bella with an unnamed member of law enforcement who was under investigation for trafficking of cocaine, according to Assistant U.S. Attorney Joseph M. Tripi.

Bella's attorney rejected Tripi's effort to link his client to the Mafia.

"He is absolutely not a member of any organized crime," attorney Thomas J. Eoannou said. "I think the government is trying to connect dots that presently don't exist."

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Eoannou, who in past decades has represented mobsters, says ongoing efforts by federal authorities to make a case that Italian organized crime still operates in Buffalo is unfair because there is no present day Mafia here.

Bella has been on the radar of federal authorities for at least four years for suspected drug trafficking. But last year federal agents raided his medical staffing business for another reason: He was allegedly **defrauding customers, including an undercover federal agent, while selling Covid-19 test kits** at inflated prices and allegedly making false claims.

Alleged fraud by Joseph Bella in sale of Covid-19 test kits and N95 masks (p. 30).

62. Based upon the foregoing, the HSI investigation has revealed that BELLA had devised a scheme to defraud victims by selling COVID-19 test kits, which were claimed to be FDA approved and for home use and purported N95 masks. Neither BELLA nor Med-Cor were licensed to sell such kits or authorized to provide COVID-19 testing or diagnosis as

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Joseph Bella note 2 (p. 31).

BELLA claimed on Facebook and to an HSI UC. The COVID-19 test kits and purported N95 masks, were sold by BELLA, as CEO of Med-Cor, through Facebook, via interstate wire transfer, and shipped out of Salt Lake City, Utah to various locations across the United States. The wire fraud/SUA proceeds were deposited into BOA Account #8936 held in the name of Med-Cor Staffing Inc. In addition, as highlighted above, fraudulent applications were submitted in Bella's name to obtain EIDL and PPP loans and therefore the proceeds deposited into BOA Account #8936 constitute proceeds of wire fraud and fraudulent loan applications.

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Bella's alleged lies to the federal agent about Covid-19 test kits he was selling resulted in raids at his Buffalo business and home. When agents found an assortment of suspected drugs, ammunition and a firearm, **they arrested him.**

Tripi had argued at the 48-year-old Bella's detention hearing last April he represented a flight risk and danger to the community, while repeatedly mentioning links to organized crime.

Bella has pleaded not guilty to distributing an assortment of drugs, possession of a firearm in furtherance of drug trafficking and an ammunition charge. Eoannou succeeded in having Bella conditionally released to home detention on a \$340,000 bond.

The hearing, however, provided a glimpse into why the government maintains the Mafia is alive.

“He even had – and I screenshotted his phone of a 2008 ceramics class that the Mafia member took while in federal prison in Minnesota. That person I’m referring to is Frank ‘Butchie’ BiFulco,” Tripi told U.S. Magistrate Judge Michael J. Roemer.

Frank J. BiFulco, also known as “Butchie BiFocals,” was serving a prison term for arson in an insurance fraud scheme. Federal authorities viewed him as a longtime leader in the local Mafia.

Eoannou said Bella came to know BiFulco while performing a good deed, taking meals to him because he was unable to get around on his own.

BiFulco, a former client of Eoannou, died in October.

Bella’s phone was seized in 2016 by federal authorities at the Peace Bridge. Tripi said he was suspected of transporting drugs from Canada.

“His phone by our count had at least 45 individuals who law enforcement determines to be members or associates with organized crime groups, drug traffickers or debt collection in Bella's phone,” Tripi said.

Prosecutor talks about the contacts in Joseph Bella's phone (p. 22)

There is also a number of drug trafficking and racketeering-type predicates that the people in Mr. Bella's phone were involved in. His phone by our count had at least 45 individuals who law enforcement determines to be members or associates with organized crime groups, drug traffickers or debt collection in Bella's phone. It also depicts Bella in a

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Among the contacts in Bella's phone were **Joseph Bongiovanni, the retired U.S. Drug Enforcement Administration agent arrested** for allegedly taking bribes from drug dealers in exchange for information on DEA investigations and the identities of cooperating sources.

There were also three unindicted Bongiovanni co-conspirators, Peter G. Gerace Jr., Anthony J. Gerace and a third unnamed individual.

The Gerace brothers are the nephews of Joseph A. Todaro, whom the FBI has claimed for years headed the local mob with his late father, Joseph E. Todaro. Investigators have never proved that allegation.

Tripi also recounted Bella's past penalties for illegal debt collecting practices and telemarketing. At one point, Tripi said that "associates or members of the Italian Mafia" are sometimes involved in debt collection, hiring people to operate the companies on their behalf.

Eoannnou said none of this makes a case that his client has anything to do with organized crime or that the Mafia exists.

If convicted on the drug and weapon charges, Bella could face up to life in prison.

By Lou Michel
reporter

By Dan Herbeck
News reporter, Watchdog Team

https://buffalonews.com/news/local/crime-and-courts/is-the-mob-back-feds-probe-buffalo-mafia-after-calling-it-all-but-dead/article_0a77da5e-72db-11eb-bc36-e7e3b5ffe74b.html

TOPICAL

Is the mob back? Feds probe Buffalo Mafia after calling it all but dead

Dan Herbeck , Lou Michel

Feb 28, 2021

Just four years ago, the FBI chief in Buffalo said the Mafia here was all but dead.

“Some of the individuals who were leaders of the Mafia are still around,” **said Adam S. Cohen, then special agent in charge of the Buffalo FBI office** in 2017. “But their organized crime activities don’t exist anymore.”

But now, federal prosecutors are looking for organized crime activities in a widespread investigation that includes a former DEA agent accused of taking bribes, two nephews of the man law enforcement has claimed heads the Buffalo Mafia, a high school teacher who sold drugs, a businessman who grew marijuana in an Amherst mansion and the owner of a medical staffing business accused of fraud.

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These six men – and others who know them – form the cast of characters in the latest effort by federal law enforcement to prosecute what government attorneys call the “Italian Organized Crime” family of Western New York:

- Joseph Bongiovanni, a retired U.S. Drug Enforcement Administration agent who was arrested in 2019 on charges of accepting \$250,000 in bribes to help

drug dealers avoid arrest, including some the government says are connected to organized crime. He has pleaded not guilty.

- Peter G. Gerace Jr., Bongiovanni's childhood friend who owns Pharaoh's Gentlemen's Club in Cheektowaga, and his brother, Anthony, a former Pharaoh's employee who is awaiting sentencing on a weapons charge connected to drug trafficking. They are the nephews of Joseph A. Todaro, who law enforcement authorities have claimed for years headed the local mob. Prosecutors identified the Gerace brothers as unindicted co-conspirators of Bongiovanni.
- Michael Masecchia, a Grover Cleveland High School teacher, now on administrative leave, who recently admitted in a plea deal that he kept firearms, drugs and homemade explosives in his Williamsville home while running a drug ring that sold more than a ton of marijuana. Prosecutors mention in court documents that a federal agent warned Bongiovanni in a 2013 report that Masecchia is "an associate member and possibly a made member" of the Buffalo organized crime family.
- Ronald Serio, a Buffalo businessman who lived in a spectacular E.B. Green-designed mansion on Lebrun Road in Amherst. He sold the mansion for \$1.15 million about 18 months after police found marijuana and guns there in 2017. Serio has pleaded guilty to felony drug and weapons charges, and is awaiting sentencing. Five sources familiar with the case said Serio has been grilled at length by federal agents about his alleged dealings with Bongiovanni, Masecchia and other individuals who have been accused of having ties to organized crime figures.
- Joseph C. Bella III, the owner of a medical staffing business, who has previously been forced by the government to shut down his debt collection business and a company that sold bogus "dirty bomb pills." He is under investigation for committing fraud while selling Covid-19 test kits, and he faces drug-trafficking and gun possession charges. Prosecutors call him an associate of Buffalo's Mafia family.

The latest investigation is a continuation of unsuccessful efforts that date back more than a century, long before the iron-fisted reign of the late Stefano Magaddino, the most powerful Mafia leader in Buffalo's history.

If there is a powerful Mafia family in Buffalo, law enforcement officials have never proven it.

Stefano Magaddino

Buffalo News file photo

Despite some successful prosecutions for murder, bookmaking, loan sharking, drug trafficking, theft and other crimes, law enforcement has never made a criminal racketeering case against leaders of the alleged Buffalo Mafia organization.

But now a highly regarded prosecutor, working with Homeland Security and other federal agencies, is taking another crack at proving the Mafia is still active here.

Assistant U.S. Attorney Joseph M. Tripi, who over the past two decades successfully prosecuted a murderous biker gang and homicidal gangsters on Buffalo's East Side and West Side, is leading a team of government lawyers who are trying to build a case alleging organized crime.

Tripi was not permitted by the U.S. Attorney's Office to talk with The Buffalo News about the Mafia probe, but he has repeatedly spoken about the investigation into the "Buffalo Mafia," "Italian Organized Crime," or "IOC" in court documents and in federal court hearings.

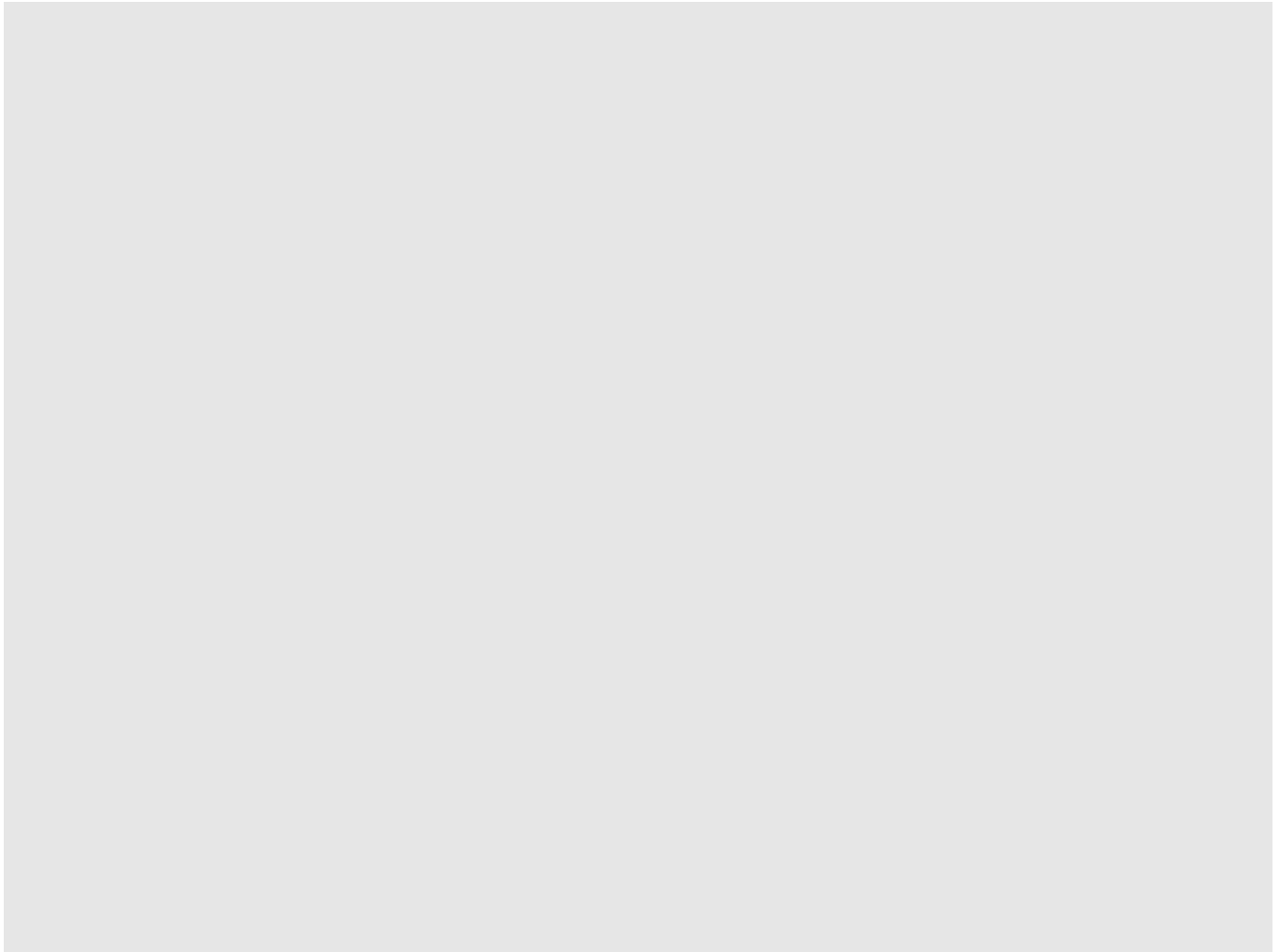
"It's an active organized crime investigation," Tripi told a judge last year, during a detention hearing for Bella. "The investigation reveals that organized crime members and associates, which include Mr. Bella, are involved in drug trafficking and various wire fraud schemes."

"It's an active organized crime investigation" (p. 6).

warrants and arrests in New York and Florida. Judge, the investigation in this case involves Homeland Security, the FBI and the U.S. Attorney's Office. It's an active organized crime investigation. The investigation reveals that organized crime members and associates, which include Mr. Bella, are involved in drug trafficking and various wire fraud schemes. The overall investigation has led to an indictment of a DEA agent named Joseph Bongiovanni, who was receiving protection bribes and shielding members and associates of a drug trafficking organized crime group in Buffalo, New York.

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Tripi said the ongoing probe led to **a 2019 indictment against Bongiovanni**, the former federal drug agent who is charged with taking \$250,000 in bribes to protect Masecchia and other alleged mob-connected drug dealers.



Retired Drug Enforcement Administration agent Joseph Bongiovanni drives a vintage car he restored. Bongiovanni was arrested in 2019 on felony charges that accuse him of accepting \$250,000 in bribes and using his position in the DEA to help Buffalo drug dealers, including some connected to organized crime, avoid arrest. His attorney says the feds have no evidence that Bongiovanni took bribes and that the classic car is Bongiovanni's "only uniquely prized possession."

Provided photo

In December, when **Masecchia pleaded guilty** to drug trafficking and criminal possession of firearms, he admitted that he and unnamed “others” were assisted by Bongiovanni in operating a drug ring that sold marijuana grown in Ellicottville and Franklinville.

The investigation has had some success already in seizing weapons, drugs and money from four defendants – Serio, Bella, Masecchia and Anthony Gerace. A total of \$440,000, 24 guns, more than 200 pounds of marijuana and other assorted drugs have been seized from those men, their homes and their cars.

But that doesn't prove the existence of a Buffalo Mafia family, said Thomas J. Eoannou, defense attorney for Bella and Anthony Gerace.

In Eoannou's view, the days of fearsome Buffalo mobsters who murdered informants and stuffed bodies into the trunks of cars are long gone.

"With the death of Stefano Magaddino almost 50 years ago and the crackdown on Local 210, legalized gambling and the end of omerta, the code of silence, by the 1990s, it was over. All the real mobsters are dead," said Eoannou. "Those days are over."

Eoannou was referring to **Laborers Local 210**, the union that prosecutors alleged was controlled by organized crime for decades. After a government crackdown in 1996, 28 members of Local 210 were forced to resign from their positions. In a non-criminal proceeding, the men were accused of associating with organized crime.

Across the border

Twenty-five years later, prosecutors appear to be also taking aim at suspected Buffalo Mafia connections in Canada.

Prosecutors and Mafia experts allege that Buffalo mobsters control organized crime activity in part of Ontario. Canadian authorities said a Hamilton, Ont., drug trafficker named Domenico Violi has been the "underboss" of the Buffalo mob family since 2017, according to Canadian news outlets that covered Violi's trial. Violi is serving an eight-year Canadian prison term for selling methamphetamine, fentanyl and other narcotics.

According to wiretap transcript evidence presented by Canadian prosecutors, **alleged Buffalo Mafia boss Joseph A. Todaro named Violi underboss** during a meeting in Florida, even planting a kiss on Violi as he honored the Canadian, reported Canadian news outlets.

In November 2017, when authorities announced the arrests of Violi and 12 other mob suspects in Canada and the United States, U.S. Justice Department officials in Brooklyn said the arrests included **“members of the Todaro organized crime family.”**

“The coordinated investigation lasted more than two years and revealed criminal activity spanning the United States and Canada,” the Brooklyn prosecutors said in a news release.

“There are definite historical connections between the mob families in Buffalo, Hamilton, Burlington and Niagara Falls,” said Antonio Nicaso, a college professor in Kingston, Ont., who has written 40 books about the Mafia and served as a consultant to Canadian law enforcement.

“Because of lenient Canadian laws, Canada is a great land of opportunity for Buffalo and other American mob families to traffic in drugs and launder money,” Nicaso said.

Nicaso said he is watching the Buffalo Mafia investigation with interest, to see if prosecutors can nail down the long-rumored ties between Buffalo and Ontario.

‘What can you give us on the mob?’

So far, no one has been indicted for racketeering in the latest Buffalo probe, but the Bongiovanni case repeatedly mentions links to “Italian Organized Crime.” An indictment filed against the former drug agent last June claims Bongiovanni has “friends and associates” who were involved in drug trafficking with “Italian Organized Crime.”

Joseph Bongiovanni indictment: "Italian Organized Crime" (p. 2)

3. The defendant **BONGIOVANNI** had friends and associates who he knew were involved in possession, use, distribution, and importation of controlled substances including marijuana, a Schedule I controlled substance, and cocaine, a Schedule II controlled substance. The defendant **BONGIOVANNI**'s friends and associates who were involved in possession, use, and distribution, and importation of controlled substances, included, among others, individuals he believed to be members of, connected to, or associated with Italian Organized Crime (IOC) in the Western District of New York and elsewhere.

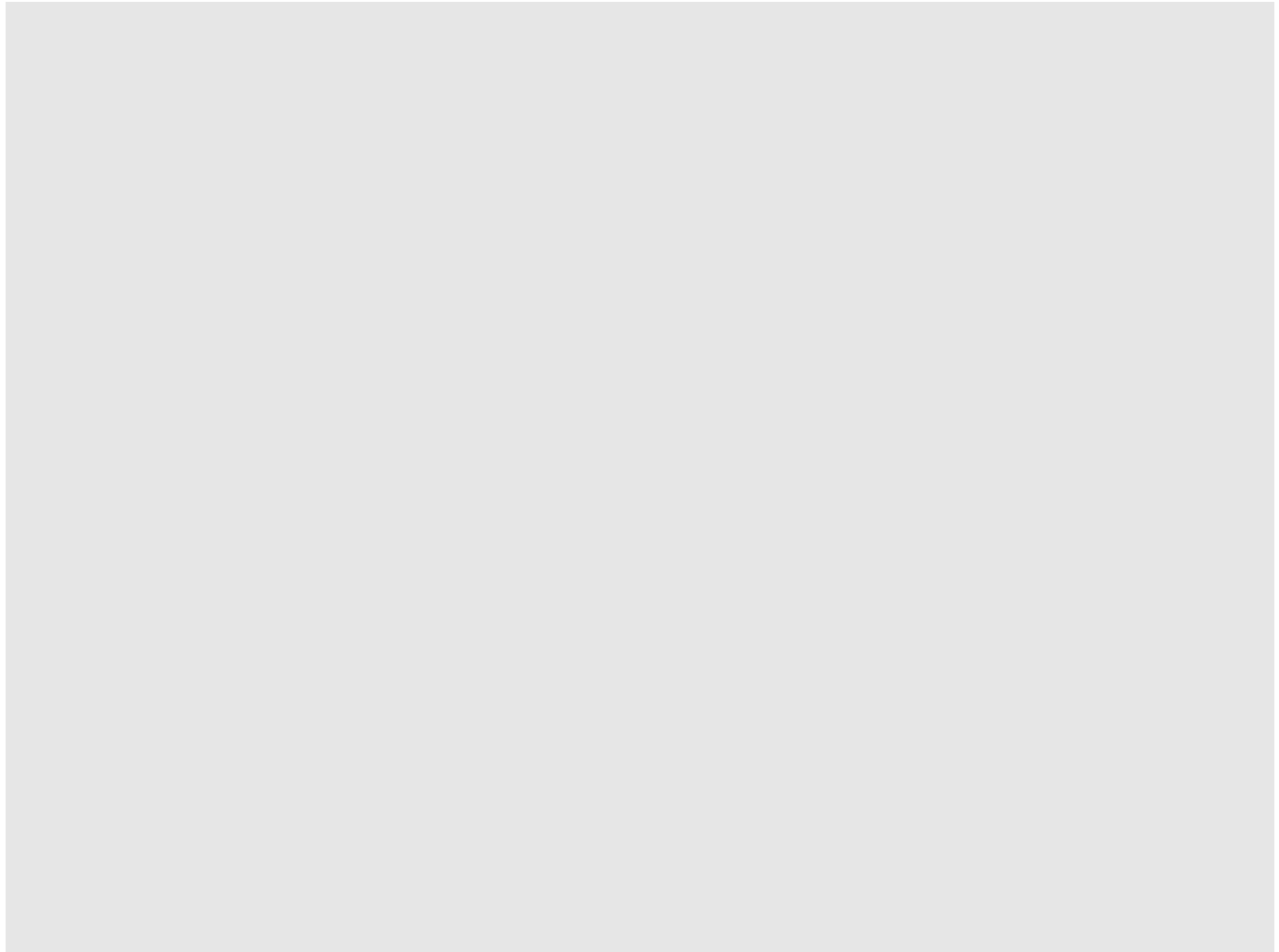
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Five sources who are familiar with the investigation told The News that federal agents have repeatedly asked criminal defendants over the past two years for information about the Buffalo Mafia. The sources said agents are trying to link the cases against Bongiovanni, Masecchia, Serio, Anthony Gerace and Bella – in addition to an ongoing investigation into activities at the Pharaoh's strip club – to the Buffalo Mafia.

Serio, the former Amherst mansion owner, pleaded guilty to felony drug charges and is awaiting sentencing. His attorney, Herbert L. Greenman, declined to comment on any possible connections between his client and organized crime.

"Every defendant with an Italian last name is being asked, 'What can you give us on the mob?' " said one Buffalo defense lawyer. "Dozens of people have been put before the grand jury."

Eoannou said prosecutors are trying to connect "a number of individuals whose last names end in vowels ... to organized crime that in my opinion no longer exists in Buffalo."



Joseph A. Todaro, owner of La Nova Pizzeria, pulls a pizza out of the oven at the Buffalo restaurant on July 18, 2007. Federal law enforcement authorities have alleged that Todaro and his late father, Joseph E. Todaro, ran the Buffalo Mafia, but neither man has ever been convicted of crimes. Todaro said the allegations are "nonsense."

Sharon Cantillon

What Todaro says

Todaro had one word to describe all this when a Buffalo News reporter spoke to him at his West Side pizzeria earlier this month: "Nonsense."

Todaro has not been mentioned by name by federal authorities in court papers related to the ongoing organized crime investigation, but Tripi in court called Todaro's nephew Peter Gerace Jr. "a relative of the reputed head of the Buffalo Mafia family."

"Mr. Gerace is also a relative of the reputed head of the Buffalo mafia family" (p. 22)

Mr. Bella has a number of people who had historical involvement in telemarketing and debt collection scams, including Peter Gerace as a contact in his phone. Mr. Gerace has a telemarketing conviction emanating out of the U.S. Attorney's Office in 2005. Mr. Gerace is also a relative of the reputed head of the Buffalo mafia family. So another

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Since the 1980s, Todaro and his late father, Joseph E. Todaro, have been identified by federal law enforcement as leaders running the Buffalo Mafia family. But they have not been criminally charged and the allegation has never been proven in court. The elder **Todaro died at age 89** in December 2012.

Neither Todaro has been convicted of any organized crime activity.

Police efforts to link the Todaros to Mafia activities date back to 1967, when police raided the son's stag party at Panaro's, a West Side restaurant. The two Todaros and 34 other men were charged with "consorting with known criminals." The charges were later dismissed in Buffalo City Court.

"It's nonsense," Todaro said, when asked about rumored mob connections, as he worked behind the counter at La Nova Pizza. "I'm 75 years old and still work seven days a week."

Todaro denied the claim that he kissed Domenico Violi and made him an underboss. He said he is aware of the federal probe, and is especially upset that authorities appear to be trying to link him to drug trafficking.

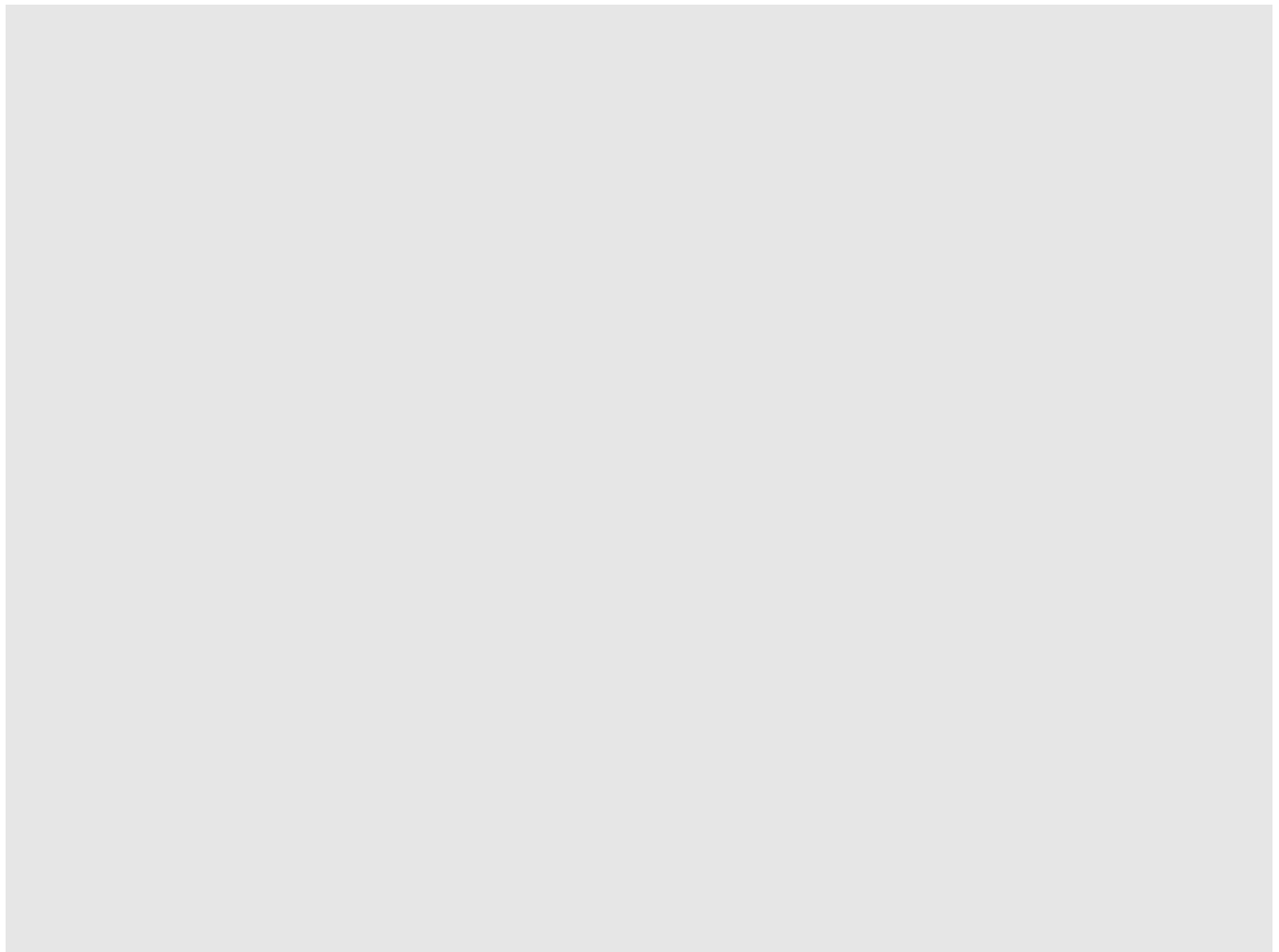
"They can say anything they want about me, but when they say narcotics, that bothers me," Todaro said. "I am totally against narcotics. I see what it does to people."

Todaro added he has had no contact with his nephews, the two Gerace brothers, in recent years.

The restaurateur said he started working for his father as a youngster in 1957, when Joseph E. Todaro opened the original La Nova in the City of Tonawanda. He said he is proud of how the business has grown and considers it a positive force in Buffalo.

“I employ 150 people,” Todaro said of his workers at the Buffalo and Williamsville La Nova locations, and La Nova Wings, a production facility in Cheektowaga that ships chicken wings to customers nationwide.

“I shouldn’t be talking to you,” Todaro told the reporter, quickly adding that he wants people to know he is an honest businessman with nothing to hide.



Katrina Nigro is the ex-wife of Peter Gerace Jr., the owner of the Pharaoh's Gentlemen's Club in Cheektowaga. She said she has testified before a federal grand jury about Gerace and the Mafia in Buffalo. She posed for a photo at her home on Feb. 16, 2021.

Sharon Cantillon/Buffalo News

Married to the mob?

One person who has testified before the grand jury is Peter Gerace Jr.'s ex-wife, Katrina Nigro, who used to operate an adult store inside Pharaoh's.

Nigro declined to tell The News what she was asked about, but she said she had a ringside seat to Buffalo Mafia activities during her four years as Gerace's wife. They divorced in 2018.

When asked if she has provided names of witnesses or recordings to back her claims about organized crime, she said she could not disclose that, but added, "A lot will be coming out."

Nigro claims that Gerace physically attacked her on several occasions and boasted that he knew mobsters who could kill her. Gerace denies those allegations.

In fact, Gerace – through attorney Steven M. Cohen – filed a lawsuit last year in state court, accusing Nigro of libeling him. He said Nigro has made false allegations about him to three police agencies.

According to Nigro, the lawsuit not only represents an attempt to discredit and intimidate her, but to obtain information she has provided to federal investigators and the grand jury.

Cohen described Gerace as a law-abiding citizen who has fully cooperated with government officials in the operation of his club, providing surveillance video and extensive paperwork to prove all his transactions are legal.

Pharaoh's was searched by federal agents in December 2019 several weeks after Bongiovanni's arrest. No charges have been filed against Peter Gerace Jr. or his business since then. Prosecutors in a court filing said that Pharaoh's was "the subject of a recent search warrant for evidence related to narcotics and racketeering violations."

Pharaoh's "has been the subject of a recent search warrant for evidence related to narcotics and racketeering violations" (p. 7).

Based upon the defendant's motion, the defendant remains employed at Pharaoh's, which has been the subject of a recent search warrant for evidence related to narcotics and racketeering violations. See Doc. No. 35. In addition, the defendant is a referenced

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Back in 2006, **Peter Gerace Jr. pleaded guilty** to a felony charge of wire fraud conspiracy, in connection with a fraudulent sweepstakes telemarketing firm he ran for several years. He was sentenced to five months in federal prison and three years on supervised release.

Informant: Mob is 'a lot smarter' now

Bongiovanni's attorneys, James P. Harrington and Jesse C. Pyle, have accused the U.S. Attorney's Office in Buffalo of conducting a "selective prosecution" that is unfairly aimed at Italian-Americans.

"The 'Bills Mafia' has more structure and substance," the two attorneys said in recent court papers. "These allegations are rooted mainly in alleged activities of past generations, visiting the sins of the grandparents on their grandchildren."

Was the FBI wrong when it declared the Buffalo Mafia family all but dead four years ago? Cohen, the former agent in charge of the Buffalo FBI office, no longer works there. Current FBI agents in Buffalo declined to comment for this story. So did U.S. Attorney James P. Kennedy.

But **Ronald M. Fino**, a former Buffalo mob associate who has served as an FBI witness and consultant, said he believes the mob is still active in subtle but profitable ways.

“The mob remains very active in Buffalo, but they’re a lot smarter than they used to be,” Fino told The News in early February. “They are less violent than they used to be. They make their money through fraudulent schemes. Now, they do their business through legitimate fronts.”

By Dan Herbeck

News reporter, Watchdog Team

By Lou Michel

reporter

https://buffalonews.com/news/local/crime-and-courts/with-guns-drawn-feds-told-ex-dea-agent-tell-us-all-about-the-mafia/article_5a2642de-72d6-11eb-8fbc-cfb51d6df23c.html

TOPICAL

With guns drawn, feds told ex-DEA agent: 'Tell us all about the Mafia'

Dan Herbeck , Lou Michel

Feb 28, 2021



Retired Drug Enforcement Administration agent Joseph Bongiovanni drives a vintage car he restored. Bongiovanni was arrested in 2019 on felony charges that accuse him of accepting \$250,000 in bribes and using his position in the DEA to help Buffalo drug dealers, including some connected to organized crime, avoid arrest. His attorney says the feds have no evidence that Bongiovanni took bribes and that the classic car is Bongiovanni's "only uniquely prized possession."

Provided photo

Dan Herbeck , Lou Michel

After two decades as a Drug Enforcement Administration agent, Joseph Bongiovanni found out what it was like to be the target of a criminal investigation at 6 a.m. on June 6, 2019.

He awoke with a start when a flash-bang grenade exploded inside his home. In his underwear, he rushed down the stairs, where a team of heavily armed federal agents, wearing military-style gear, broke down a door, stormed inside and pointed rifles at Bongiovanni's head and at his wife and his teenage stepson.

"My first conscious thought was that an airplane had crashed very near my home because the sound was so loud," said Bongiovanni, describing the hectic scene in court papers.

Bongiovanni said an agent from Homeland Security began questioning him with these words: Tell us "all about the Mafia."

Joseph Bongiovanni: Agents said tell us "all about the mafia" (p. 96)

24. SA Ryan opened my phone. He began scrolling through its contents. I asked him if he had been responsible for the seizure of my phone and my family's phones at the Baltimore-Washington Airport, and he answered "yes, that was me." He then asked me to tell him "all about the mafia." I answered that I did not know what he was asking about, after which he began to ask me about my association with persons whom I had encountered during my time at the DEA. He began to read names from the contacts directory of my phone. I noticed and commented at that time that the only individuals they asked about were those with Italian last names.

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Five months after the raid, **Bongiovanni was arrested** on felony charges that he accepted \$250,000 in bribes and used his position in the DEA to help Buffalo drug dealers – including some the government says are connected to organized crime – avoid arrest.

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Bongiovanni, 56, who is referred to by the nickname of “Joe Bong” in some prosecution documents, denies the allegations.

His attorneys, James P. Harrington and Jesse C. Pyle, filed court papers accusing the U.S. Justice Department of “selective prosecution,” saying the feds unfairly targeted Bongiovanni and others because of their Italian-American heritage.

The defense attorneys acknowledged Bongiovanni grew up with some individuals who have been targeted in past investigations, including **Pharaoh's strip club** owner Peter G. Gerace Jr., the nephew of Joseph A. Todaro, who law enforcement authorities have claimed for years headed the Buffalo Mafia.

Homeland Security interviews Joseph Bongiovanni about the Buffalo Mafia (p. 100)

BONGIOVANNI said you cannot penalize a person for growing up in the same circle, speaking about himself and [REDACTED].

[REDACTED] grandfather had something to do with the mafia. [REDACTED]'s uncle owns the pizza place (referring to LaNova Pizza). BONGIOVANNI was not close enough with [REDACTED] to know if [REDACTED] was involved with the mafia.

AGENT'S COMMENT: [REDACTED] grandfather was [REDACTED] now deceased, who was the boss of the Buffalo LCN family. [REDACTED] uncle, is the current boss of the Buffalo LCN family.

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Although Gerace is mentioned in court papers filed by the prosecution, neither Todaro nor Gerace face any charges. In interviews with The Buffalo News, both men denied involvement with organized crime.

Prosecutors filed transcripts of several friendly texts between Bongiovanni and Gerace, talking about their longtime friendship and discussing places to meet for drinks. Another document shows that Bongiovanni told Homeland Security agents

that he considers Pharaoh's a "seedy place" and doesn't like going there.

Another government document alleges Bongiovanni drove his car into Canada at 10:11 p.m. on Nov. 29, 2012, with a 64-year-old passenger who was described as "a Buffalo Crime Family associate/confidant" who is "closely associated" with the "Buffalo Crime Boss." The passenger's name is blacked out in the report.

Joseph Bongiovanni crossed border with Buffalo Crime Family associate (p. 86)

A crossing history of BONGIOVANNI shows that he was in a vehicle with New York tag DJV2251 number on November 29, 2012 at 2211 hours. Also in the vehicle was Buffalo Crime Family associate/confidant [REDACTED] 1948] who is closely associated to Buffalo Crime Boss, [REDACTED] [REDACTED] is a frequent border crosser in the Buffalo AOR and last crossed the border at the Rainbow Bridge on April 4, 2019 at 2350 hours with [REDACTED]

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Defense lawyers said Bongiovanni's father ran a clam stand 50 years ago at LaNova, the Todaro family's West Side pizza restaurant, when Bongiovanni was a youngster. But that doesn't make Bongiovanni a mobster, Harrington and Pyle argued.

They said federal prosecutors have "imagined the existence" of a powerful Buffalo mob family, and said prosecutors have not produced "one shred of evidence" to prove that Bongiovanni was taking bribes or tied up with mobsters.

In 2021, the Buffalo organized crime family "does not seem to exist," Harrington and Pyle suggested in court papers, "yet, the lore of the Italian is so pervasive in our society that the government can benefit from alleging a connection without having to prove it."

They said the government has been unable to seize or identify "a single penny" of the alleged \$250,000 in bribe money, adding that Bongiovanni lives "a modest" lifestyle.

He and his family live in a split-level home they purchased for \$220,000 in 2014, Erie County property records show.

"Beyond occasional trips which were well within the means of his salary and retirement pension, he indulges in no luxuries," Bongiovanni's defense attorneys wrote. "A classic car in his garage, which he bought with a loan several years ago and has slowly restored a few parts at a time, is his only uniquely prized possession."

Joseph Bongiovanni's lawyer says feds have no evidence he took bribes (p. 23).

Furthermore, the government claims that Mr. Bongiovanni did all of this for money, \$250,000 or more. Yet, in the thousands of pages of bank records from both Mr. Bongiovanni and his wife Lindsay Bongiovanni which the government provided in discovery, there is no hint of any such money. Mr. Bongiovanni's lifestyle does not reflect that of a man who has supposedly taken a quarter of a million dollars in bribes. His home is the same modest home in Tonawanda in which he has lived for seven years. Beyond occasional trips which were well within the means of his salary and retirement pension, he indulges in no luxuries. A classic car in his garage, which he bought with a loan several years ago and has slowly restored a few parts at a time, is his only uniquely prized possession. *To date, the government has not identified or seized a single penny of the alleged bribe money.*

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Justice Department attorneys denied that they are targeting anyone because of their Italian-American heritage.

U.S. Attorney James P. Kennedy said his office "prosecutes individuals based exclusively on their criminal conduct, not their personal characteristics."

Prosecutors said they found the names and telephone numbers of numerous criminals, including organized crime figures, in Bongiovanni's cellphone during the raid on his Tonawanda home.

Since Bongiovanni's 2019 arrest, federal authorities have been investigating at least three other DEA agents and a former Buffalo Police detective who had worked with Bongiovanni, sources familiar with the investigation told The News. But so far, no other current or former law enforcement officers have been charged.

Bongiovanni, who spent most of his career helping to put drug dealers in prison, faces felony charges of conspiracy to distribute drugs and defraud the United States government, obstruction of justice, receiving bribes and making false statements to federal investigators.

If convicted, he could be sentenced to spend the rest of his life in prison.

By Dan Herbeck

News reporter, Watchdog Team

By Lou Michel

reporter

https://buffalonews.com/news/local/crime-and-courts/buffalo-teacher-was-a-drug-dealer-with-organized-crime-ties-prosecutors-say/article_36df34d2-72fb-11eb-ae49-87cf1477ebe6.html

TOPICAL

Buffalo teacher was a drug dealer with organized crime ties, prosecutors say

Dan Herbeck , Lou Michel

Mar 1, 2021



Teacher Michael Masecchia, at center in black suit, jumps in the air with students from a graduating class at Grover Cleveland High School in Buffalo on June 23, 2000. In December 2020, Masecchia pleaded guilty in U.S. District Court in Buffalo to felony drug-trafficking and weapons charges.

James P. McCoy/Buffalo News

Dan Herbeck , Lou Michel

During the day, Michael Masecchia was a resident of Grover Cleveland High School, where colleagues who genuinely cared about his students.

Dine-in



He also coached youth football and high school soccer, including an International Prep/Grover Cleveland team that won a statewide soccer championship.

But when he was away from the city schools, Masecchia lived a second life, one far outside the law.

At his Amherst home, according to documents filed by federal prosecutors, he slept with a gun under his mattress, with plenty of ammunition, a wide assortment of drugs and other firearms nearby.

Masecchia ran a marijuana trafficking ring, federal prosecutors allege, had connections to Buffalo's organized crime family and paid thousands of dollars in **bribes to a federal drug agent.**

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Is the mob back? Feds probe Buffalo Mafia after calling it all but dead

Since at least August 2019, federal agents have been investigating Masecchia as part of a wide-ranging probe into Buffalo's Mafia and its alleged ties to drug trafficking and other crimes.

In December, Masecchia, 54, **pleaded guilty to felony drug-trafficking and weapons charges** in federal court.

"Masecchia and others also participated in marijuana grow operations in Ellicottville and Franklinville, in Cattaraugus County," said U.S. Attorney James P. Kennedy. "In addition, the defendant possessed firearms to protect himself, his proceeds, and property where he stored marijuana and currency."

Among the items **seized in a 2019 raid at the teacher's home** were \$27,950 in cash, eight guns, ammunition, three Mason jars of marijuana, various steroids in liquid and tablet form, hypodermic needles, two grams of suspected cocaine, Tylenol with codeine tablets, suspected hashish and four cellphones.

In court, Masecchia admitted that he had been dealing pot since 1999 and had distributed more than a ton of marijuana during that time. And he said that he “and others” in the drug trade had help from a federal agent, Joseph Bongiovanni.



Read the full story from News Staff Reporters Lou Michel and Dan Herbeck

Ellen Przepasniak

As part of his plea agreement, Masecchia said Bongiovanni helped him and other drug traffickers to avoid arrest by providing “law enforcement-sensitive information,” including the names of potential cooperating witnesses.

Michael Masecchia admits in plea agreement that DEA agent Joseph Bongiovanni helped him avoid arrest (p. 3)

b. The defendant further admits and agrees that, at various times, codefendant Joseph Bongiovanni, a former DEA agent in the Buffalo, New York resident office, has provided law enforcement sensitive information, including the names of potential cooperators and whether or not MASECCHIA and others were under federal investigation, to enable MASECCHIA and others to continue in their marijuana distribution activities undetected by other members of law enforcement.

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Bongiovanni, who resigned from the U.S. Drug Enforcement Administration in 2019 and faces felony corruption charges, denies assisting any drug dealers. In court papers, Bongiovanni's defense attorneys said he stayed away from Masecchia because Masecchia had a "mean streak" and "was prone to engage in fist-fights and petty drug-dealing and use."

Prosecution court papers include a copy of a 2013 email from an unidentified federal agent to Bongiovanni, stating that Masecchia is "an associate member and possibly a made member" of the Buffalo Mafia family.

The same email states that Masecchia's father-in-law was the late **Bart Mazzara**, a "made member" of the Buffalo Mafia family. In 1996, Mazzara was one of 28 men forced to resign from Laborers Local 210 because of alleged associations with the Mafia.

2013 email advising DEA Agent Joseph Bongiovanni that Michael Masecchia is possibly a Buffalo Mafia made member (p. 12)

Sent: Thursday, July 11, 2013 6:31 PM
To: [REDACTED] Joseph.S.Bongiovanni@usdoj.gov
Cc: [REDACTED]
Subject: [REDACTED] Associates

In checking my file, [REDACTED] is the daughter of Bart MAZZARA (deceased [REDACTED] 5/2003) and the spouse of Michael MASECCHIA. MAZZARA was a made member of the LCN family in Buffalo and was a bookmaker, loanshark and strong arm for the family.

Michael MASECCHIA is an associate and possibly a made member of the Buffalo LCN family. DEA Buffalo years ago that Michael MASECCHIA had ties to OC elements operating in Las Vegas. Michael is the brother of father, Nazzareno MASECCHIA, Sr, passed away in 2011). [REDACTED]

IRS/FBI [REDACTED] check with our case agent [REDACTED]

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Prosecution: Masecchia would deny he's a Mafia member (p. 12).

⁵ Upon information and belief, Michael Masecchia would deny being a member of the Buffalo LCN Family, or mafia, and he made no such admissions in the factual basis of his plea agreement, *see* Dkt. No. 68. Michael Masecchia is represented by Patrick Brown, Esq. Although not specifically requested by the defendant, copies of a 2004 DEA Buffalo case file regarding co-defendant Masecchia (in which defendant Bongiovanni was a listed agent), and a 2009 DEA Buffalo case file regarding co-defendant Masecchia have been or will be provided, subject to appropriate redaction. At a minimum, pertinent portions of these files have been provided during voluntary discovery, as have pertinent portions of a 2004 DEA Las Vegas case file regarding co-defendant Masecchia.

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None of that information squares with the portrait of Masecchia painted by his attorney, Patrick J. Brown, or people who knew him as a teacher and coach.

Brown described Masecchia as a devoted family man who cares about the community and takes a special interest in students from immigrant families.

In his younger days, Masecchia was a talented athlete in his own right. A star on the Bennett High School football team, he was recently inducted into the Harvard Cup Hall of Fame. In 1986 and 1987, he played running back for the University at Buffalo's football team.

Since his arrest, he has been on administrative leave from his job in the city schools.

"His students loved him," recalled Kevin Eberle, the former principal at Grover Cleveland who now serves as principal at the city's Math Science Technology High School. Eberle said he has known Masecchia for two decades and considers him a compassionate and caring educator.

"Many times through the years, he would literally give the shirt off his back to immigrant students. He'd make sure they had spikes for soccer, clothes and food. It was nothing for him to literally feed them," Eberle said.

Eberle, a former police officer, recalled a poignant moment involving Masecchia and a Grover Cleveland student who was killed as a bystander in a drive-by shooting. Eberle said he looked over at Masecchia during the student's funeral.

Masecchia – the man who now admits he sold marijuana for 20 years and kept guns and drugs in his home – was crying.

By Dan Herbeck

News reporter, Watchdog Team

By Lou Michel

reporter

https://buffalonews.com/news/local/crime-and-courts/pharaohs-owner-charged-with-bribing-dea-agent-as-feds-investigate-buffalo-mafia/article_6d9d428e-7abc-11eb-b85d-fbc423a29063.html

Pharaoh's owner charged with bribing DEA agent as feds investigate Buffalo Mafia

Lou Michel , Dan Herbeck

Mar 1, 2021



Katrina Nigro with her then-husband, Peter G. Gerace Jr., the owner of Pharaoh's Gentlemen's Club, a strip club in Cheektowaga. Nigro said she has testified before a federal grand jury that is investigating organized crime in Buffalo. Gerace's club was raided by federal agents in 2019 as part of that investigation.

Provided by Katrina Nigro

Lou Michel , Dan Herbeck

Cheektowaga strip club owner Peter G. Gerace Jr., who is the nephew of the man prosecutors claim runs the Buffalo Mafia, on Monday became the second person accused of bribing a Buffalo Drug Enforcement Administration agent to avoid arrest for drug dealing.

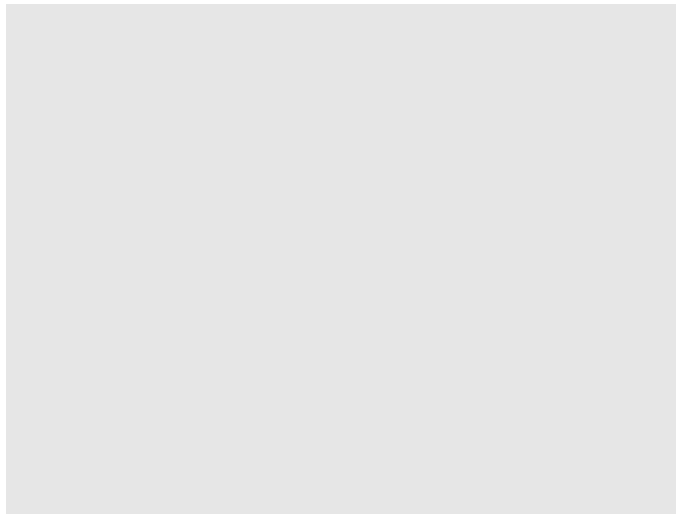
The indictment of Gerace is the latest development in **an investigation into organized crime in Buffalo**, one that has already resulted in the arrests of retired **DEA Agent Joseph Bongiovanni**, a Buffalo high school teacher, Gerace's brother and two other men.

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Gerace, 53, of Clarence, was arrested late Sunday night in Florida while he was on vacation and charged with paying bribes to Bongiovanni, his childhood friend. He pleaded not guilty at his arraignment in U.S. District Court in Fort Lauderdale on Monday.

"I expect him to be released under certain conditions in the next 24 hours and he will travel back here to Buffalo," said Joel L. Daniels, his defense attorney.



Peter G. Gerace Jr. will remain in custody until his August trial.

Photo courtesy of the Broward County Sheriff's Office

The superseding indictment against Bongiovanni and Gerace alleges that Gerace paid, from 2009 to 2019, some of the \$250,000 in bribes the DEA agent is accused of pocketing. It describes Bongiovanni's alleged efforts to shield Gerace and his business, Pharaoh's Gentlemen's Club, from the scrutiny of other U.S. Drug Enforcement Administration agents and FBI agents for years. Bongiovanni allegedly coached Gerace and others on what to say if they were questioned by other agents, telling them to claim that they are confidential informants for Bongiovanni.

In 2019, **Michael Masecchia**, a Buffalo high school English teacher, was charged with bribing Bongiovanni. In December, when Masecchia pleaded guilty to drug trafficking and criminal possession of firearms, he admitted that he and unnamed "others" received sensitive law enforcement information from Bongiovanni to help them avoid arrest as he sold more than a ton of marijuana.

The federal grand jury in Buffalo charged Gerace with conspiracy to defraud the United States; paying a bribe to a public official; maintaining a drug involved premises; conspiracy to distribute controlled substances; and conspiracy to commit sex trafficking.

If he is convicted, the government will seek to forfeit from Gerace the Aero Drive building where Pharaoh's Gentlemen's Club is located and his four-bedroom brick house on Lexor Lane in Clarence, which is listed for sale at \$969,000.

The indictment charged Bongiovanni, 56, of Tonawanda, with two counts of conspiracy to defraud the United States; two counts of conspiracy to distribute controlled substances; two counts of accepting a bribe; seven counts of obstruction of justice; and two counts of making false statements to a federal agency.

If convicted, the government will seek to forfeit from him the \$250,000 it claims he took in bribes, two handguns and ammunition.

Is the mob back? Feds probe Buffalo Mafia after calling it all but dead

Feds: Gerace's uncle runs Buffalo Mafia

The arrests stem from an ongoing federal investigation into the Buffalo "Mafia" and "Italian Organized Crime," according to federal documents and statements made in court by prosecutors.

Gerace is the nephew of Joseph A. Todaro, whom federal agents and Assistant U.S. Attorney Joseph M. Tripi have identified in court or reports as the head of the Buffalo Mafia.

"Mr. Gerace is also a relative of the reputed head of the Buffalo mafia family" (p. 22)

Mr. Bella has a number of people who had historical involvement in telemarketing and debt collection scams, including Peter Gerace as a contact in his phone. Mr. Gerace has a telemarketing conviction emanating out of the U.S. Attorney's Office in 2005. Mr. Gerace is also a relative of the reputed head of the Buffalo mafia family. So another

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Todaro has not been charged. He told The Buffalo News that any attempts to link him to organized crime are "nonsense." Todaro says he has nothing to do with his nephew and that it upsets him that authorities attempt to link him to narcotics.

Gerace, during an interview with The Buffalo News at Pharaoh's last month, said he is insulted that the federal government is linking his name to organized crime.

"My grandfather was Joseph Todaro. He's dead," Gerace said, raising his hands in exasperation .

The FBI has alleged that Joseph A. Todaro's father, the late Joseph E. Todaro, was also a leader of the Mafia, which was also never proven.

Gerace told The News that he would be a fool to do anything illegal, since he is the owner of his successful club.

"I make so much money here that I'd be an idiot to do something illegal," Gerace said. "There's things going around with busts, but I do not know where they got my name. I have never been involved in organized crime."

Gerace also defended Bongiovanni's integrity.

"We all grew up along Hertel Avenue, and I'll say this about him: He was one of the straightest people I know. He was a sheriff's deputy and then a DEA agent. I'll never believe a word they say bad about him. I don't know anything about that," Gerace said during the interview prior to his arrest.

Shortly after Bongiovanni's arrest in the fall of 2019, **federal agents raided Pharaoh's**. They were executing a search warrant and looking for evidence of narcotics and racketeering violations, a prosecutor wrote in court papers.

The indictment alleges that Gerace "facilitated prostitution," provided "drugs and money to Pharaoh's employees in exchange for sex" with Gerace and others, and facilitated "the distribution of controlled substances, including cocaine... and amphetamine also known as Adderall...marijuana and heroin."

It says Gerace employed members of the Outlaws motorcycle club at Pharaoh's.

Attorney Steven M. Cohen, who represents Gerace in a civil case in State Supreme Court, said Gerace is an honest businessman.

"He is one of the few businesses that has surveillance cameras on all of his cash registers who allows the government access to all of those videotapes simply at the asking," Cohen said during an interview last month. "He does all of his business transactions by checks or credit cards to make sure there is a paper trail."

Cohen explained that Gerace takes these steps to prove he is honest.

"It is a shame he has to do that because he has been lumped in with people or associated with certain of his relatives who have histories with law enforcement," Cohen said.

Cohen criticized the government on Monday for arresting him.

"It is disturbing to me that the federal authorities would arrest him while he is on vacation in Florida," Cohen said. "Each and every time the feds have wanted anything from Peter, in terms of records or access, he has been only too willing to comply. I consider this conduct to be entirely unnecessary and vindictive."

But Katrina Nigro, the ex-wife of Gerace, said she feels safer since federal authorities told her Monday that Gerace had been arrested .

"I feel safer that he is arrested, and everyone should feel safer," Nigro said.

She has told The News that she has testified about organized crime before a federal grand jury, but she declined to comment on what she told the grand jury.

Gerace pleaded guilty in 2005 to **telemarketing fraud** and was sentenced to five months in federal custody and three years of supervised release. In a plea deal, he admitted to directing his telemarketers to make false statements about winning a new car or a \$5,000 cashier check.

"That's not organized crime. That's not the Mafia," Gerace said, adding that he paid his debt to society.

Tripi and Assistant U.S. Attorney Brendan T. Cullinane, who are prosecuting Gerace and others, declined to comment on the indictment against Gerace and Bongiovanni.

Gerace's brother awaits sentencing

Gerace's brother, Anthony Gerace, and a third unidentified person have also been identified by prosecutors as unindicted co-conspirators in the case against Bongiovanni.

Anthony Gerace, 40, has pleaded guilty to a federal weapons charge in connection with drug trafficking and is awaiting sentencing on March 12.

Federal agents raided Anthony Gerace's Clarence home in 2019 and seized “substantial quantities of marijuana packed into two large hockey bags,” other drugs, five handguns, nine rifles, ammunition and \$103,360.

Anthony Gerace, who had been employed as a kitchen manager at his brother's club, has agreed to forfeit his weapons and the cash. He could face up to five years in prison.

Attorney Thomas J. Eoannou, who represents him, said his client has nothing to do with organized crime.



Read the full story from News Staff Reporters Lou Michel and Dan Herbeck

Ellen Przepasniak

By Lou Michel
reporter

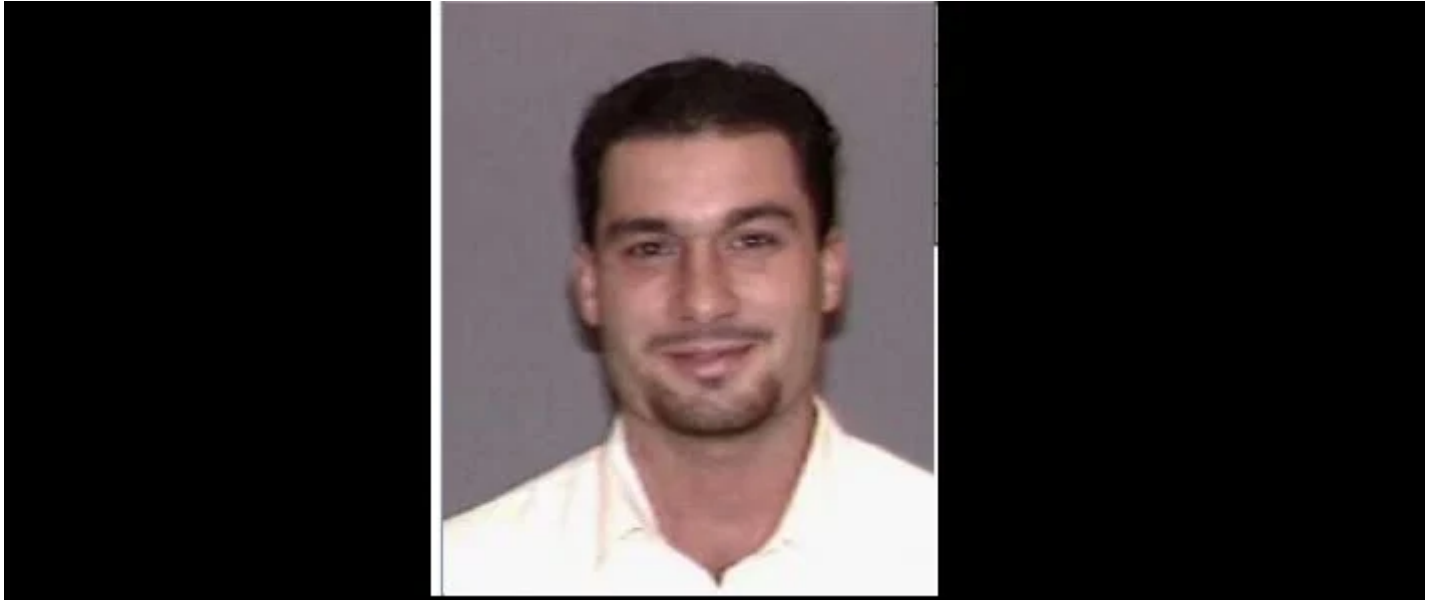
By Dan Herbeck
News reporter, Watchdog Team

https://buffalonews.com/news/local/crime-and-courts/alleged-organized-crime-associate-faces-new-charges-of-covid-19-fraud-money-laundering/article_b2d6c608-7c4d-11eb-8590-c39f4b3469e8.html

Alleged organized crime associate faces new charges of Covid-19 fraud, money laundering

Dan Herbeck

Mar 3, 2021



Joseph Bella, a Buffalo man who federal law enforcement authorities said defrauded customers while selling Covid-19 test kits during the pandemic. Authorities raided his business in April 2020, seized \$114,063 from its bank account, and charged Bella with possessing drugs, a gun and ammunition.

Court exhibit from the U.S. Attorney's Office

Dan Herbeck

A Buffalo man who federal prosecutors have claimed is an organized crime associate faces new felony charges of wire fraud, loan fraud and money laundering in connection with alleged schemes seeking to take advantage of the Covid-19 pandemic.

Joseph C. Bella III, 48, is accused of running a company that made unauthorized purchases of Covid-19 test kits and then tried to sell them at nearly four times the price he paid for them.

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He also is accused of using another company he ran to fraudulently obtain a \$149,900 loan from a federal Small Business Administration program designed to help small businesses hurt by the pandemic.

The new charges against Bella were filed under seal last week by the U.S. Attorney's Office and detailed in court papers obtained Wednesday by The Buffalo News.

Bella, who is also a small-time film actor and producer, already faces felony drug and weapons charges that were filed against him by federal prosecutors last year. He has pleaded not guilty to those allegations.

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During a detention hearing last April, federal prosecutor Joseph M. Tripi repeatedly **called Bella an associate of "Mafia" and "organized crime" figures in Buffalo.** That claim has been denied by Bella's attorney, Thomas J. Eoannou.

"It's an active organized crime investigation" (p. 6).

warrants and arrests in New York and Florida. Judge, the investigation in this case involves Homeland Security, the FBI and the U.S. Attorney's Office. It's an active organized crime investigation. The investigation reveals that organized crime members and associates, which include Mr. Bella, are involved in drug trafficking and various wire fraud schemes. The overall investigation has led to an indictment of a DEA agent named Joseph Bongiovanni, who was receiving protection bribes and shielding members and associates of a drug trafficking organized crime group in Buffalo, New York.

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"Joe Bella denies these allegations and has pleaded not guilty," Eoannou said late Wednesday, when asked about the latest charges.



Read the full story from News Staff Reporters Lou Michel and Dan Herbeck

Ellen Przepasniak

According to the indictment, Bella and a family member ran a Buffalo medical staffing company called Medcor Staffing Inc. that made false statements last year when it purchased 5,000 Covid-19 test kits from a company in Utah.

Bella's company purchased the kits for \$8 each after falsely claiming that Medcor was a government-approved laboratory with cold storage facilities for the tests, and facilities for analyzing the tests, the indictment alleges.

"In fact, Medcor was not a laboratory, did not own or have access to laboratory equipment necessary to safely store and process the COVID-19 Tests, and intended to re-sell the COVID-19 Tests at a significant markup," prosecutor Nicholas T. Cooper said in indictment papers. "In fact, Medcor was not authorized to distribute the COVID-19 tests and did not employ doctors or others who could provide support to customers after the sale."

Bella and Medcor took out an advertisement on Facebook, seeking to sell the tests for \$30 each, according to the indictment, and the company falsely claimed that it had 50,000 tests available.

The News reported Jan. 11 that **Bella and Medcor were under investigation** for alleged fraud involving Covid-19 tests.

Another company run by Bella, called BuyMyCard, lied on an application it used last July to obtain a \$149,900 loan from the Small Business Administration, the indictment states.

BuyMyCard, a business that buys and sells gift cards, made false representations to the SBA about past profits and how the company's business had been harmed by the Covid-19 pandemic, the indictment states.

A company employee acting at Bella's direction, "falsely and fraudulently represented to the SBA that BuyMyCard's revenue between Jan. 31, 2019, and Jan. 31, 2020, was \$500,000, when, in fact, the revenue for BuyMyCard in that period was less than \$100,000," the indictment states.

Government attorneys are seeking forfeiture of more than \$200,000 seized from bank accounts of Bella's companies.

Bella is one of six individuals federal prosecutors are focusing on in an ongoing investigation into alleged "Italian Organized Crime" activities in Western New York, **The News reported Feb. 28.**

Prosecutor talks about the contacts in Joseph Bella's phone (p. 22).

There is also a number of drug trafficking and racketeering-type predicates that the people in Mr. Bella's phone were involved in. His phone by our count had at least 45 individuals who law enforcement determines to be members or associates with organized crime groups, drug traffickers or debt collection in Bella's phone. It also depicts Bella in a

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A cellphone seized from Bella in 2016 contained contact information for 45 individuals connected to "organized crime groups, drug traffickers or debt collection," Tripi said at the detention hearing last year.

Tripi said Bella's phone contained contact information for Peter Gerace Jr., the owner of a Cheektowaga strip club called Pharaoh's Gentlemen's Club, and Joseph Bongiovanni, a retired U.S. Drug Enforcement Administration agent charged with taking bribes from Gerace and others with alleged organized crime ties.

Bella "does not recall ever meeting" Bongiovanni and wouldn't know who he was if he walked into the courtroom, Eoannou told the judge at the hearing.

Gerace was arrested in Florida on Monday. He is accused of felony drug trafficking and of paying bribe money to Bongiovanni. Both Bongiovanni and Gerace have pleaded not guilty and denied any illegal activities.

By Dan Herbeck

News reporter, Watchdog Team

https://buffalonews.com/news/local/crime-and-courts/drug-dealer-who-grew-pot-in-mansion-questioned-about-mobsters-dea-agent/article_f84e6a4a-7777-11eb-a591-af956cdb1554.html

Drug dealer who grew pot in mansion questioned about mobsters, DEA agent

Dan Herbeck , Lou Michel

Mar 3, 2021



FBI agents raided Ronald Serio's mansion at 697 Lebrun Road in 2017. They seized marijuana, an AR-15 semiautomatic rifle and small amounts of oxycodone, amphetamines and other drugs. Serio pleaded guilty in July 2020 to a felony drug and weapons charges in U.S. District Court.

News file photo

Dan Herbeck , Lou Michel

Even in one of Western New York's toniest neighborhoods, Ronald Serio's home on Lebrun Road was a standout.

CONTINUE >

Designed by the famous architect E.B. Green, the 9,000-square-foot French Provincial mansion had 2.4 acres of land, a carriage house, a tennis court and seven bedrooms. The exterior of the Amherst home was so striking that it was once selected as a Junior League of Buffalo show house.

But when FBI agents and Erie County sheriff's investigators raided the place in April 2017, they found evidence of some sinister activities that were going on behind the walls of the stately residence.

They found an AR-15 semiautomatic rifle and a marijuana grow room, some bags and bricks of marijuana, and small amounts of oxycodone, amphetamines and other drugs. In Serio's Range Rover parked outside, they found three cellphones and \$22,000.

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At another home Serio owned on Grimsby Road in the Town of Tonawanda, police found more than 105 pounds of marijuana, 150 grams of cocaine and digital scales and the plastic bags typically used by drug dealers.

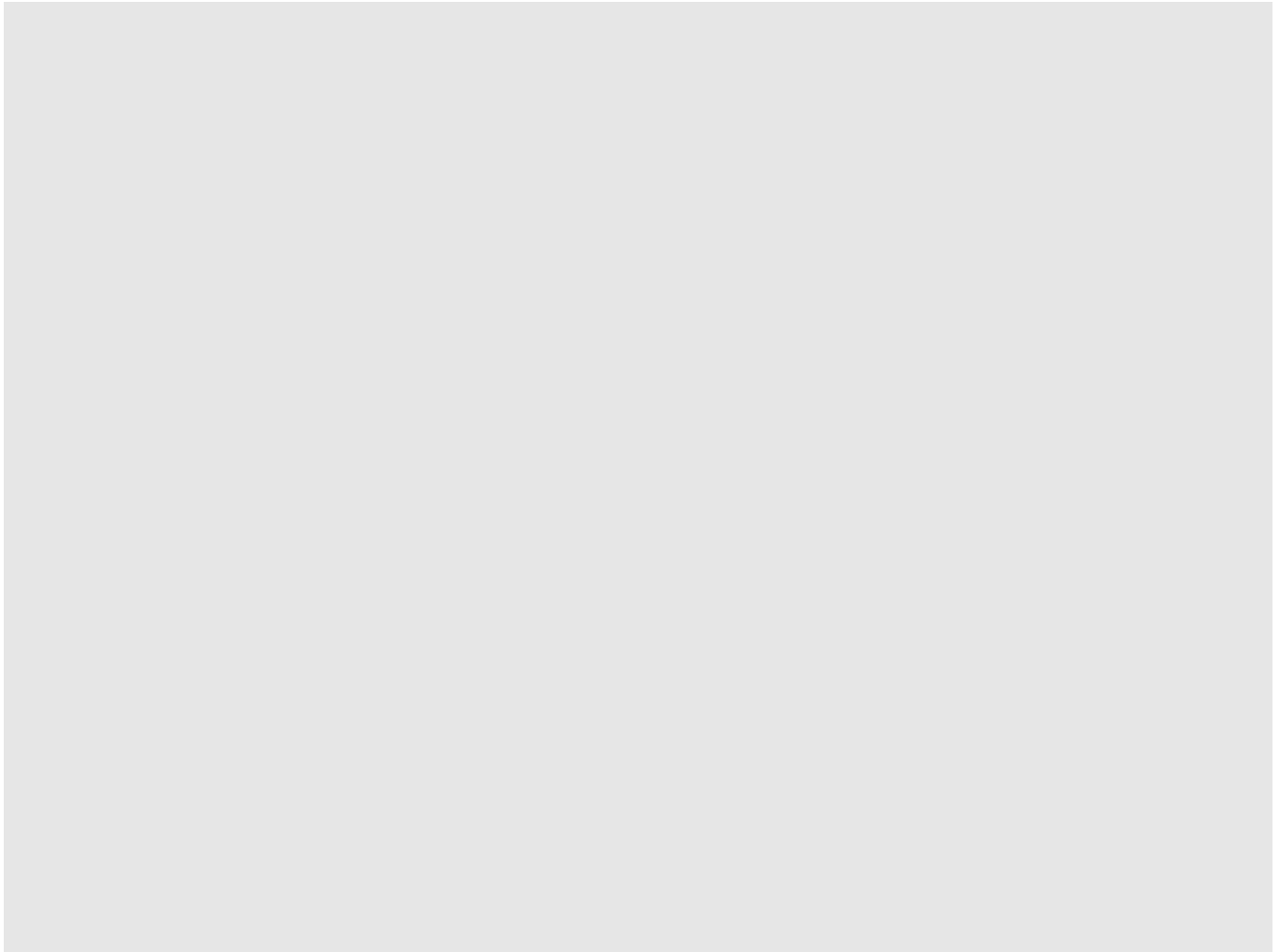
FBI: More than 100 pounds of marijuana recovered from Ronald Serio's properties (p. 11).

14. Based on my training and experience, the recovery of over 100 pounds of marijuana, packaged for distribution constitutes significant drug trafficking being conducted by SERIO. The presence of a vacuum sealer, packaging material and numerous scales at 91 West Grimsby Road, and over 100 pounds of marijuana clearly demonstrates that this largely vacant property was being utilized by SERIO for the purpose of storing and repackaging of marijuana and cocaine for the sole purpose of further distribution. The presence of over 150 grams of suspected cocaine, including, cutting agents and packaging are evidence of SERIO's involvement in the distribution of cocaine as well as marijuana. A user of cocaine would not

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Serio, a 44-year-old businessman who has run a bill collection company and managed properties in the Buffalo area, was **charged with drug trafficking in October 2019**. He pleaded guilty last July to felony drug and weapons charges.

According to sources familiar with the case, Serio is one of the drug traffickers whom prosecutors are trying to connect to former federal drug agent **Joseph Bongiovanni**, who is under indictment for bribe-taking, and to members of Buffalo's alleged organized crime family. Bongiovanni denies the allegations.



Retired Drug Enforcement Administration agent Joseph Bongiovanni drives a vintage car he restored. Bongiovanni was arrested in 2019 on felony charges that accuse him of accepting \$250,000 in bribes and using his position in the DEA to help Buffalo drug dealers, including some connected to organized crime, avoid arrest. His attorney says the feds have no evidence that Bongiovanni took bribes and that the classic car is Bongiovanni's "only uniquely prized possession."

Provided photo

While prosecutors have referred to Bongiovanni's alleged ties to reputed Mafia members or associates, they have revealed little about any links between Serio and organized crime figures or the former DEA agent.

But federal agents have interviewed Serio at length about alleged ties between Bongiovanni and mobsters, according to five sources familiar with the ongoing investigation. Bongiovanni has denied taking bribes from drug dealers or mobsters.





Read the full story from News Staff Reporters Lou Michel and Dan Herbeck

Ellen Przepasniak

When agents were preparing to execute search warrants in 2017 at several of Serio's properties, **Anthony Gerace** of Clarence showed up at one of the properties, briefly visited and was pulled over by Erie County deputies as he drove off with oxycodone pills in his car, according to a Homeland Security agent's affidavit. Gerace is the nephew of **Joseph A. Todaro**, who federal prosecutors and agents have claimed is the leader of the Buffalo Mafia. Todaro denies that. Gerace has also been identified by prosecutors as an unindicted co-conspirator of Bongiovanni. Gerace is awaiting sentencing on felony drug and weapons charges.

Anthony Gerace shows up as agents prepare to search Ronald Serio's properties (p. 7)

10. In April 2017, the FBI and the Erie County Sheriff's Office executed state search warrants at two residences in Amherst, New York. The searches resulted in the seizure of marijuana, various prescription pills, cocaine, 3,4-methylenedioxy-methamphetamine ("MDMA"), and counterfeit Oxycodone pills that were found to contain fentanyl upon subsequent laboratory examination.

11. As part of that operation, Erie County Sheriff's Deputy Adam Day was surveilling the residence while the search warrant was sought on April 18, 2017. While conducting surveillance of the residence, Deputy Day observed a white male enter the residence and then depart a short time later. Deputies Day and Timothy Carney followed the unknown male away from the residence. Deputy Ben Pisa, patrolling in a marked unit, then conducted a traffic stop of the vehicle driven by the white male. The white male was identified as **ANTHONY GERACE**. **GERACE** consented to a search of his vehicle.

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Serio's attorney, Herbert L. Greenman, declined last week to comment when asked if there are any ties between Serio, Bongiovanni and the mob. Greenman did say that many of Serio's problems stemmed from an addiction to painkiller drugs. He said Serio has made "tremendous progress" in his recovery since his 2019 arrest.

In court papers filed last year, prosecutors said Serio has agreed to forfeit \$273,000, the seized gun and a property he owns in the 600 block of Richmond Avenue.

Serio faces a possible prison term in the range of 57 to 71 months when he comes up for sentencing in May before U.S. District Judge John L. Sinatra Jr.

Serio is no longer a presence in the very exclusive neighborhood of Lebrun Road, where some of the region's wealthiest business people reside.

Fourteen months after it was raided by police, **Serio sold his mansion for \$1.15 million.**

FBI: Ronald Serio had a marijuana grow room concealed in basement of his Amherst mansion
(p. 9).

one (1) pound quantities of suspected marijuana. In the basement of 697 Lebrun was a large box and a plastic bag each containing dozens of similarly opened plastic bags with a strong odor of marijuana. Additionally, in the basement was a small room, whose door was concealed behind sheetrock panels. This room was approximately twelve feet by twelve feet and contained a humidifier, and a climate control unit. The block windows which view the outside were spray painted black. Based on your affiants training and experience it appears that SERIO was attempting to construct a room to grow marijuana plants. Additionally, numerous boxes and bags were found in various locations throughout the house which each contained dozens of sliced open plastic bags with the strong odor of marijuana.

[View the entire document with DocumentCloud](#)

By Dan Herbeck

News reporter, Watchdog Team

By Lou Michel

reporter

https://buffalonews.com/news/local/cheektowaga-strip-club-not-entitled-to-ppp-loan-appeals-court-rules/article_7f8f40f2-7d12-11eb-86c9-2b130d29cbe4.html

Cheektowaga strip club not entitled to PPP loan, appeals court rules

Patrick Lakamp , Dan Herbeck

Mar 5, 2021



Pharaoh's in Cheektowaga.

Robert Kirkham/News file photo

Patrick Lakamp , Dan Herbeck

A federal appeals court Thursday **rejected an appeal from Pharaoh's Gentlemen's Club**, ruling the Cheektowaga establishment was not improperly denied a loan through the federal government's Paycheck Protection Program.

Pharaoh's applied for a PPP loan of \$345,067 to pay wages to its 76 employees, among other expenses. But a bank said its loan application would be rejected because strip clubs are not eligible to participate in the program. The PPP loans, administered by the Small Business Administration, are designed to help employers cover payroll, rent and other expenses during the Covid-19 outbreak.

The club's lawyers argued in court that its business is a form of protected free speech and that the SBA's restrictions against businesses presenting "live performances of a prurient sexual nature" are unconstitutional.

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U.S. District Judge Lawrence J. Vilardo last summer rejected the club's request for an injunction.

In Thursday's ruling, the 2nd U.S. Circuit Court of Appeals backed Vilardo's decision.

Congress gave the SBA administrator discretion to exclude certain types of businesses from the program, the appellate court said.

"PPP loans are broadly available, but the government has decided not to subsidize certain types of businesses, even if they engage in constitutionally protected activities," according to the ruling. "The government does not violate a plaintiff's rights by declining to subsidize its First Amendment activities."

"It appears the 2nd Circuit Court of Appeals went out of its way to avoid the U.S. Supreme Court cases we cited in support of our case," said attorney Steven M. Cohen, who represented Pharaoh's. "We are troubled by the decision and are considering our options."



Read the full story from News Staff Reporters Lou Michel and Dan Herbeck

Ellen Przepasniak

Owner can't enter Pharaoh's

Peter Gerace Jr., the owner of Pharaoh's, was arrested earlier this week while he was in Florida on vacation. He is charged with drug trafficking, paying bribe money to a Buffalo Drug Enforcement Administration agent, maintaining his business as a drug-involved premises and conspiracy to commit sex trafficking.

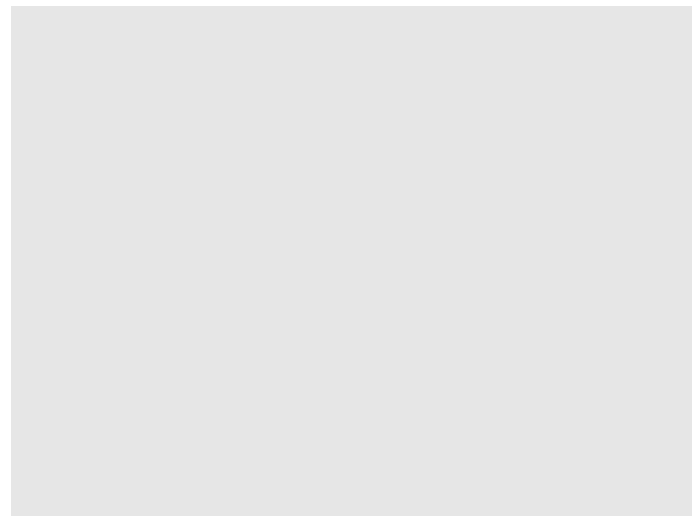
Gerace, 53, of Clarence, pleaded not guilty Thursday.

His defense attorney asked U.S. Magistrate Judge Michael J. Roemer to allow Gerace to go to Pharaoh's for three hours a day to tend to his business and to paperwork regarding its 100 employees.

The federal magistrate judge in Florida who arraigned Gerace after his arrest ordered Gerace not to set foot in Pharaoh's while he awaits trial. He is on home confinement.

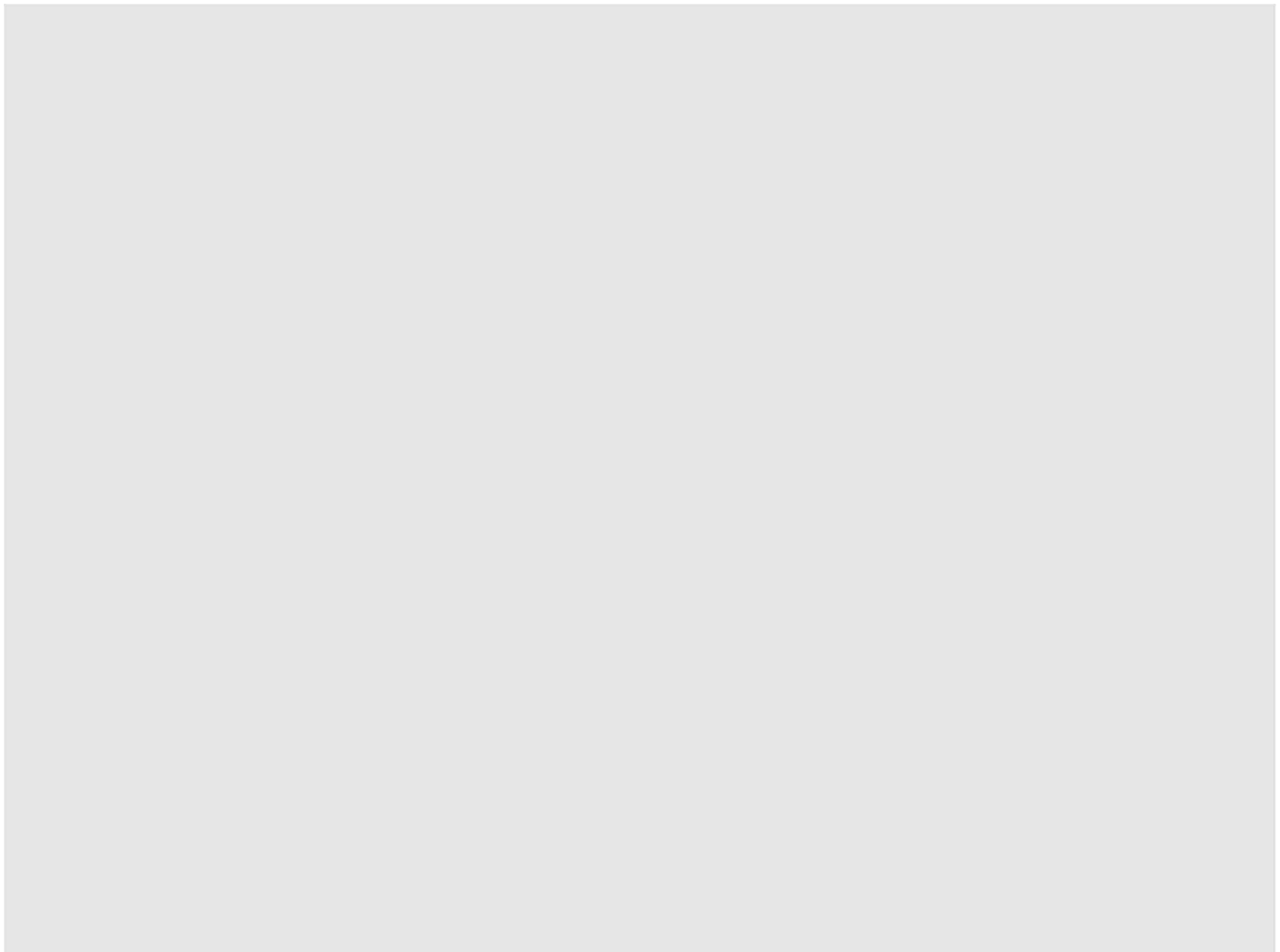
Defense attorney Joel L. Daniels asked if Gerace can be allowed to go to Pharaoh's each day from 9 a.m. until noon – "before the business opens."

"He's the sole owner of his business ... it is his sole means of support," Daniels told Roemer. "He's not allowed to go to his business. ... That's a very harsh, almost unfair restriction."



Peter G. Gerace Jr. will remain in custody until his August trial.

Photo courtesy of the Broward County Sheriff's Office



Pharaoh's owner charged with bribing DEA agent as feds investigate Buffalo Mafia

Assistant U.S. Attorney Joseph M. Tripi said the restriction should remain. He said Gerace should not be allowed to spend time in the building that allegedly served as the base of his drug and sex trafficking.

Roemer said he cannot overrule the restrictions set by another magistrate judge and told Daniels he will have to take the matter up with District Judge John L. Sinatra Jr.

Former U.S. Drug Enforcement Administration agent Joseph Bongiovanni also pleaded not guilty on Thursday to charges involving bribes allegedly paid to him by Gerace and others.

By Patrick Lakamp

Enterprise Editor

By Dan Herbeck

News reporter, Watchdog Team

https://buffalonews.com/news/local/crime-and-courts/state-supreme-court-judge-michalski-hit-by-freight-train/article_8fbc1068-7df3-11eb-ae8f-3f52ee766ee0.html

State Supreme Court judge Michalski hit by freight train

Dan Herbeck , Lou Michel

Mar 5, 2021



State Supreme Court Justice John L. Michalski during a sentencing Oct. 3, 2008, at the Erie County Courthouse in Buffalo.

Buffalo News file photo

Dan Herbeck , Lou Michel

A State Supreme Court judge was injured on Sunday when a freight train struck him in Depew, authorities told The Buffalo News on Friday.

Justice John L. Michalski, 59, is recovering from his injuries at Erie County Medical Center, where a spokesman listed him in stable condition Friday afternoon.

According to three people who know the judge, he was injured when a CSX Transportation freight train struck him Sunday afternoon in Depew.

“On Sunday, February 28, a CSX train struck a person on the railroad tracks just west of the Amtrak Station platform in Depew, NY,” Sheriee S. Bowman, a spokeswoman for CSX Transportation, told The News in an email. “The individual was transported to a local hospital with unknown injuries. There were no reported injuries to the train crew. Depew Police Department is investigating the incident and can be contacted with any additional questions.”

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Depew Police Capt. William Curr declined to discuss the incident when contacted by The News.

Attorney Steven M. Cohen, who knows the judge and has had several cases before Michalski, said Friday he has received some information on the judge's condition.

“It is my understanding that his honor was involved in an automobile accident, had some knee surgery and as far as I know, he is healing up,” Cohen said.

An ECMC spokesman said he could not provide details about the injuries, but said Michalski was initially listed in serious condition and was initially treated in the intensive care unit. He said the patient has since been moved to a room outside the ICU.

Members of the judge's court staff did not return calls from The News, and a reporter was unable to reach his family.

Lucian Chalfen, a spokesman for the state court system, confirmed that Michalski had been hurt in a car accident.

"We were informed on Monday that the judge had been in a car accident and would be out for a period of time," Chalfen said in an email to The News. "We have arranged to cover his civil and criminal case inventory in the short term and wish him a speedy recovery."

Chalfen said he did not have information about Michalski's injuries or how the accident happened.

Well-liked by many lawyers in the Buffalo area, Michalski has been a judge since 2006. Before that, he worked in a law firm and served as a Town of Amherst prosecutor for several years.

He was also an assistant Erie County district attorney in the late 1980s, when he handled felony and misdemeanor offenses including domestic violence and family conflict matters throughout the local court system.

He is a former president of the Advocates Club, an organization of lawyers of Polish descent. He holds degrees from SUNY Oswego and University at Buffalo Law School.

By Dan Herbeck

News reporter, Watchdog Team

By Lou Michel
reporter

https://buffalonews.com/news/local/crime-and-courts/feds-examine-ties-between-judge-hit-by-train-and-indicted-strip-club-owner/article_4a09a440-804b-11eb-b10d-e39c2038b7b8.html

Feds examine ties between judge hit by train and indicted strip club owner

Lou Michel

Mar 8, 2021



State Supreme Court Justice John L. Michalski during a sentencing Oct. 3, 2008, at the Erie County Courthouse in Buffalo.

Buffalo News file photo

Lou Michel

Federal authorities are looking into the friendship between State Supreme Court Justice John L. Michalski and Peter G. Gerace Jr., the Cheektowaga strip club owner indicted last week as part of an ongoing investigation into organized crime.

But the attorney representing the judge, who was **struck by a freight train Feb. 28** and remains hospitalized, says there is no indication that Michalski has done anything illegal.

Attorney Anthony J. Lana told Buffalo News on Monday that federal authorities contacted the judge about two weeks ago to ask him about **Gerace, who has been charged with paying bribes to a Drug Enforcement Administration agent.**

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Lana said that the judge and Gerace have been friends for decades, starting when Michalski was in private practice and handled legal work related to Gerace's Pharaoh's Gentlemen's Club, which was **raided by federal agents in 2019.**

"My understanding is that John's work from 20 years ago involved business and a real estate transfer involving Pharaoh's and that it was nothing of a criminal nature," said Lana, who has been representing the judge for about two weeks.

"They wanted to see what the relationship was. What is the connection? Was this just a prior from twenty years or did it develop into something more," Lana said.

He said Michalski, 59, has remained friends with Gerace.

Lana said he is a longtime friend of the judge and, though "there are no criminal charges requiring representation," he explained he is "looking out for the judge's interests."

When asked for details on how Michalski was hit by a CSX freight train near the Amtrak station in Depew, Lana said he has not yet had the opportunity to meet with Michalski at Erie County Medical Center to discuss it.

“I know he suffered a broken leg and is expected to make a full recovery. I think there is video from the CSX freight rail yard and a witness or two who had their cellphones out,” Lana said. “John is in a Covid wing and no visitors are allowed, but I know he is in good spirits.”

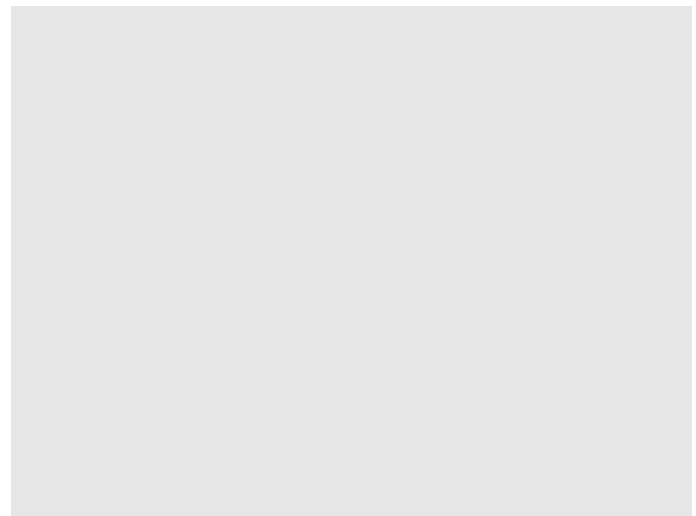
U.S. Attorney James P. Kennedy declined to comment on Michalski.

Gerace, 53, of Clarence, was the second person charged with bribing retired DEA agent Joseph Bongiovanni for help to avoid arrest for drug dealing. Gerace has also been charged with maintaining a drug involved premises; conspiracy to distribute controlled substances, and conspiracy to commit sex trafficking. He has pleaded not guilty.

Gerace is the nephew of the man federal law enforcement officials call the leader of the Buffalo Mafia, Joseph A. Todaro, who has repeatedly denied that allegation and has never been charged.

Bongiovanni, who has also pleaded not guilty, is accused of accepting \$250,000 in bribes from drug dealers allegedly connected to organized crime in exchange for protecting them from arrest.

The U.S. Attorney’s Office has been looking into individuals they claim have ties to the “Mafia” and “organized crime,” according to statements made by Assistant U.S. Attorney Joseph M. Tripi in U.S. District Court and court documents.



Anthony Gerace and his brother, Peter G. Gerace Jr., in a family photo. The Geraces are the nephews of Joseph A. Todaro Jr., who federal law enforcement authorities have identified as the leader of the Buffalo Mafia.

Contributed photo



Read the full story from News Staff Reporters Lou Michel and Dan Herbeck

Ellen Przepasniak

In 2019, Michael Masecchia, a Buffalo high school English teacher, was charged with bribing Bongiovanni. In December, when Masecchia pleaded guilty to drug trafficking and criminal possession of firearms, he admitted that he and unnamed “others” received sensitive law enforcement information from Bongiovanni to help them avoid arrest as he sold more than a ton of marijuana.

Given the latest developments involving Gerace, Lana said authorities would be negligent if they did not examine the relationship between Michalski and Gerace.

“Anyone who knows John is aware that he is vivacious and become friends with him,” Lana said. “That is what happened, John became friends with Peter Gerace and their friendship continued.”

“I know they have been out to dinner and that they have regular conversations. John has been invited to some Gerace family occasions.”

In stressing that he believes there is nothing of an illegal nature, Lana said, “I have absolutely no basis of knowledge to believe there is any criminal wrongdoing.”

Michalski officiated at Gerace's marriage to Katrina Nigro on Sept. 18, 2014. Nigro has told The News that the marriage was illegally conducted because a 24-hour waiting period was waived based on false information.

Nigro and Gerace divorced in 2018. She has told The News that she has testified before a federal grand jury investigation of organized crime, but declined to say what she told the grand jury.

Lana said he was aware of the allegation of an illegal marriage, but said he did not have any details.

Gerace has told The News that Michalski is a friend. He dismissed his ex-wife's claims that the marriage was illegal.

The Depew Police Department, which is investigating the train accident involving the judge, has refused to answer questions about the incident. It has referred The Buffalo News' Freedom of Information Law request for details of the accident to Depew Village Attorney Sam Alba.

Alba said he is reviewing the request.

By Lou Michel
reporter

https://buffalonews.com/news/local/crime-and-courts/feds-raided-home-of-sheriffs-deputy-who-is-best-friend-of-indicted-dea-agent/article_5eac2f84-7de5-11eb-9ce8-db77a070d56d.html

Feds raided home of sheriff's deputy who is best friend of indicted DEA agent

Dan Herbeck , Lou Michel

Mar 8, 2021



Federal agents investigating organized crime executed a search warrant at the Buffalo home of Erie County Sheriff's Office Jail Deputy Louis Selva on Aug. 23, 2019. Selva resigned from the Sheriff's Office job hours later. Photo courtesy of the Erie County Sheriff's Office

Dan Herbeck , Lou Michel

An Erie County Sheriff's Office jail deputy resigned from his job in 2019, hours after federal agents investigating the Buffalo Mafia executed a search warrant at his residence, according to four law enforcement sources.

Former Deputy Louis Selva, according to his Twitter account, was the best man at the 2015 wedding of Drug Enforcement Administration Agent Joseph Bongiovanni, who is **charged with accepting more than \$250,000 in bribes** to protect drug dealers with alleged ties to organized crime from arrest.

Three sources close to the case said Selva, 56, is under investigation by the same prosecutors and agents who built the case against Bongiovanni.

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The raid at Selva's North Buffalo house occurred Aug. 23, 2019 – 11 weeks after **federal agents raided Bongiovanni's home** in the Town of Tonawanda.

Selva was in uniform and preparing to go to work when federal agents arrived, former Erie County Undersheriff Mark Wipperman told The Buffalo News.

A coworker drove Selva that day from the scene of the raid to the Sheriff's Office in downtown Buffalo, said Wipperman, who oversaw disciplinary proceedings for the sheriff before he retired last August.

"Once we were informed that he was at the scene of the raid, orders were given to bring him immediately down to the professional standards division's office," Wipperman said. "Before I was able to conduct a personal interview to find out what was going on, one of the PSD investigators walked into my office and advised me that Lou Selva was going to immediately resign. I was told he did not want to go through a departmental investigation. He apparently didn't want to talk or cooperate with the pending investigation."

The retired undersheriff's recollection of the events was corroborated for The News by three current law enforcement officials with knowledge of the case who spoke on the condition that The News would not name them.

No charges have been filed against Selva.

U.S. Attorney James P. Kennedy declined to comment on Selva or answer questions about the reasons for the raid or what was found at Selva's house.

Selva's activities and his relationship with Bongiovanni came under investigation by the U.S. Attorney's Office and the same group of Homeland Security agents who charged Bongiovanni with taking \$250,000 in bribes from mob-connected drug dealers, sources familiar with the investigation said.

"It's an active organized crime investigation," Assistant U.S. Attorney Joseph M. Tripi said at a 2020 detention hearing for another defendant in the case. "The overall investigation has led to an indictment of a DEA agent named Joseph Bongiovanni, who was receiving protection bribes and shielding members and associates of a drug trafficking organized crime group in Buffalo, New York."





Read the full story from News Staff Reporters Lou Michel and Dan Herbeck

Ellen Przepasniak

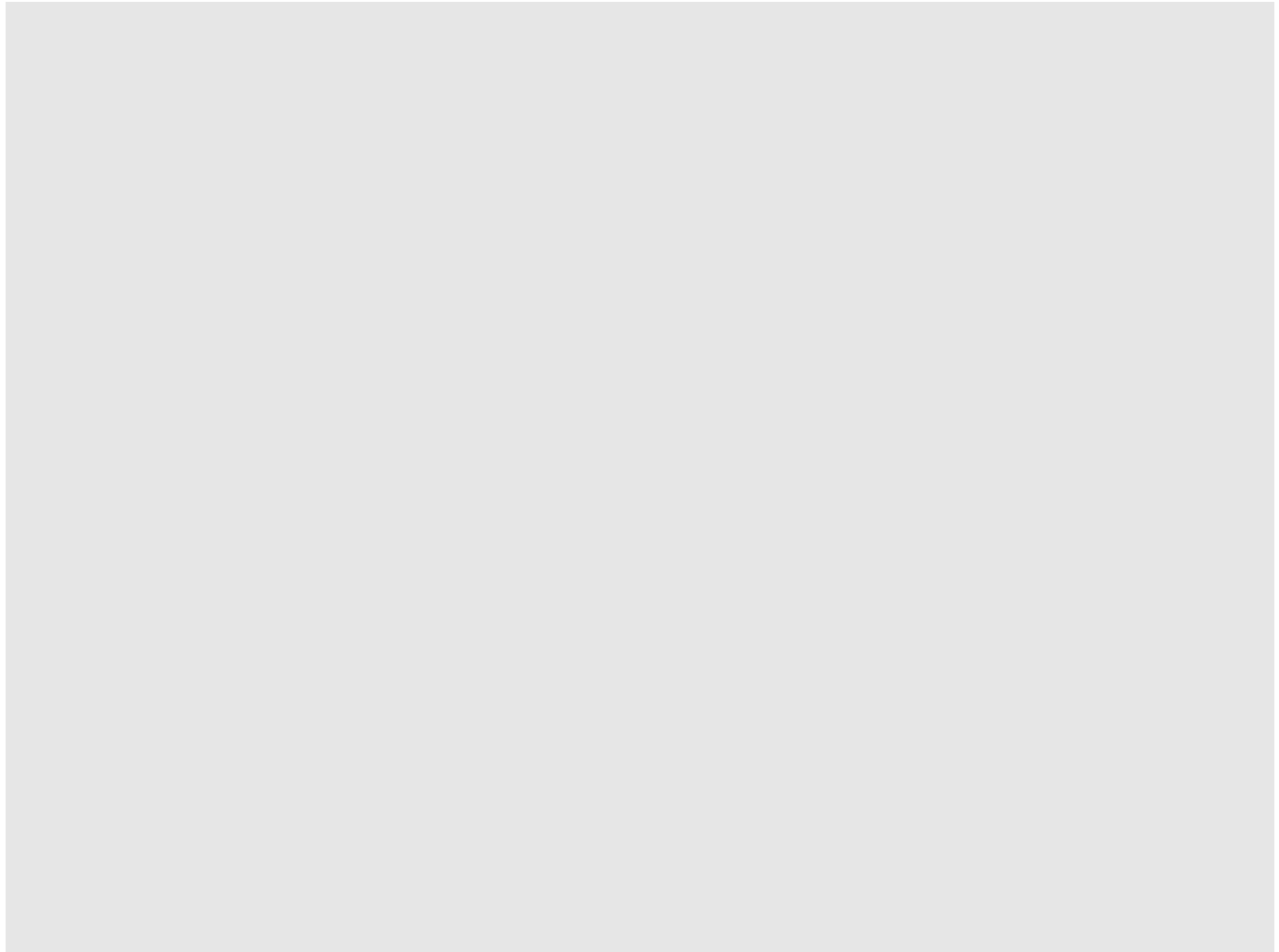
Bongiovanni has pleaded not guilty and denies taking bribes or helping drug dealers. One of his attorneys, James P. Harrington, said he had no comment on Selva.

Attorney Leonard D. Zaccagnino confirmed that he represents Selva but declined to confirm or deny whether Selva is involved in any way in the Bongiovanni probe. Selva, through his attorney, declined to be interviewed.

Zaccagnino described Selva as “a great guy” who “has been through a lot.”

The Selva raid happened on the same day that agents raided the Williamsville home of **Michael Masecchia**, a Buffalo high school teacher who has since pleaded guilty to felony drug charges and admitted getting law enforcement sensitive information from Bongiovanni.

Homeland Security Agent Curtis Ryan, in a report about the search of Bongiovanni’s home months earlier on June 6, 2019, indicated agents questioned Bongiovanni at that time about several people in local law enforcement. Ryan made an apparent reference to Selva in the report, but Selva's name is redacted. Bongiovanni said the redacted name “just started a job as a corrections officer for the Erie County Sheriff’s Office,” according to Ryan’s report.



Retired Drug Enforcement Administration agent Joseph Bongiovanni drives a vintage car he restored. Bongiovanni was arrested in 2019 on felony charges that accuse him of accepting \$250,000 in bribes and using his position in the DEA to help Buffalo drug dealers, including some connected to organized crime, avoid arrest. His attorney says the feds have no evidence that Bongiovanni took bribes and that the classic car is Bongiovanni's "only uniquely prized possession."

Provided photo

The resignation

Sheriff's Office documents obtained by The News show that Selva used Bongiovanni as a reference when he applied for the jail deputy job. Bongiovanni had served in the Sheriff's Office himself before becoming a DEA agent in 1999. On his job application, Selva indicated he had known Bongiovanni for 45 years.

On March 19, 2019, Selva was hired as a jail deputy. His home was raided six months and four days later.

Hours after Selva's home was searched, he submitted a handwritten letter of resignation to Wipperman. The letter – a copy of which was obtained by The News through a Freedom of Information Law request – stated: "I Lou Selva resign my position as Deputy Sheriff Officer at the Erie County Holding Center as of 8/23/19. Nothing has been promised and I am doing this on my own free will. Respectfully, Lou Selva."

Page 1 of [Louis Selva resignation letter](#)

F28-80 10M

ERIE COUNTY SHERIFF'S OFFICE

TO Undersheriff Whipperman DATE 8/23/19

FROM Deputy Lou Selva SUBJECT Resignation

I Lou Selva resign my position as Deputy Sheriff officer at the Erie County Holding Center as of 8/23/19. Nothing has been promised and I am doing this on my own free will.

Respectfully,

Lou Selva

Witness
Dep. Anthony M. Gales 1113
Dep. Aaron D'Alema 1198

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A source in the Sheriff's Office said, "It was suggested to Selva he resign. At the time, we had no grounds to terminate him, but we were successful in our suggestion."

Carol Cain, a neighbor of Selva who has known his family for decades, described Selva as someone who is popular and concerned about others.

She said she was aware of the 2019 raid and claims that it had something to do with the investigation of Bongiovanni. But she said, “I heard things and I don’t believe everything I hear. The family are such good people. You can’t believe everything you hear.”

“I’ve seen some of his friends over there and they are all friendly and courteous,” Cain said. “All of my nieces know him and they have always liked him.”

The best man

In one of Selva’s social media accounts, he published photos of himself at a destination wedding for Bongiovanni in May 2015 in Mexico. Selva described himself as Bongiovanni’s “best man” and his “best friend.”

Mr and Mrs Joseph Bongiovanni...Beautiful... **pic.twitter.com/pm3ELSO6IA**
— Lou Selva (@SelvaLou) May 16, 2015

Cabo San Lucas with my best friend for his wedding...Unreal..Beautiful..
pic.twitter.com/3fwSJBALGP
— Lou Selva (@SelvaLou) May 16, 2015

One of the photos shows Selva and Bongiovanni on the bow of a yacht and includes this comment from Selva: “May 16 2015: Cabo San Lucas with my best friend for his wedding...Unreal..Beautiful...”

Cabo San Lucas Mexico..The most beautiful wedding..I was so proud to be the best Man..
pic.twitter.com/6ggghPxVU7
— Lou Selva (@SelvaLou) May 16, 2015

By Dan Herbeck

News reporter, Watchdog Team

By Lou Michel

reporter

https://buffalonews.com/news/local/sources-judge-lay-on-tracks-before-train-hit-him/article_100239dc-80e7-11eb-8a34-a7528a9dcd05.html

Sources: Judge lay on tracks before train hit him

Dan Herbeck , Lou Michel

Mar 9, 2021



State Supreme Court Justice John L. Michalski during a sentencing Oct. 3, 2008, at the Erie County Courthouse in Buffalo.

Buffalo News file photo

Dan Herbeck , Lou Michel

State Supreme Court Justice John L. Michalski either fell or lay down on railroad tracks shortly before a freight train hit him nine days ago, according to three law enforcement sources.

The judge was not standing upright or walking when the train hit him, the sources told The Buffalo News.

The 59-year-old judge – who was **questioned two weeks ago by federal agents** about his friendship with an indicted strip club owner – is in stable condition in Erie County Medical Center with what is described as a severe leg injury.

No automobile was involved when Michalski was struck by a CSX freight train and injured in Depew, Depew police said Tuesday in their first comments on the Feb. 28 incident.

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Depew police confirmed **Michalski was struck by the train** and called him a pedestrian.

Erie County District Attorney John J. Flynn said the accident was witnessed by two people "from a distance." He said one of those individuals captured the tragedy on his cellphone camera.

Flynn said prosecutors from his office recently reviewed the case at the request of Depew police to determine if any criminal charges were warranted.

"I cannot see any reason for a criminal case resulting from this," Flynn said. "There was no one around the judge when the train hit him. He was not shoved or pushed into the path of the train. His car was not struck and was not in the vicinity of the

accident."

"It is almost a miracle" that the judge survived, Flynn said.

The district attorney declined to comment further on the details of the incident.

Detectives are investigating to determine why Michalski wound up in the path of the train, authorities told The Buffalo News.

Detectives are trying to figure out how the judge got to the scene from his Amherst home, said one law enforcement official familiar with the case. The judge resides about 7 miles from the Amtrak station in Depew.

Questioned by federal agents

An attorney for Michalski, Anthony J. Lana, told The News on Monday that **federal agents questioned the judge** about two weeks ago regarding his friendship with Peter G. Gerace Jr., an accused cocaine trafficker who owns Pharaoh's Gentlemen's Club, a strip club in Cheektowaga.

Federal prosecutors charged Gerace last week with felonies of bribing a federal Drug Enforcement Administration agent Joseph Bongiovanni, cocaine trafficking and sex trafficking. Gerace and Bongiovanni have pleaded not guilty.

Feds examine ties between judge hit by train and indicted strip club owner

Michalski is a longtime friend of Gerace's who did some legal work for Gerace related to Pharaoh's before he became a judge, Lana said. Lana said there was nothing inappropriate or illegal about the judge's friendship with Gerace or the legal work he has done for him in the past.

DA concerned about judge's recusal

In another twist in the case, Flynn raised concerns Tuesday about Michalski handling a criminal case against Gerace's ex-wife last July.

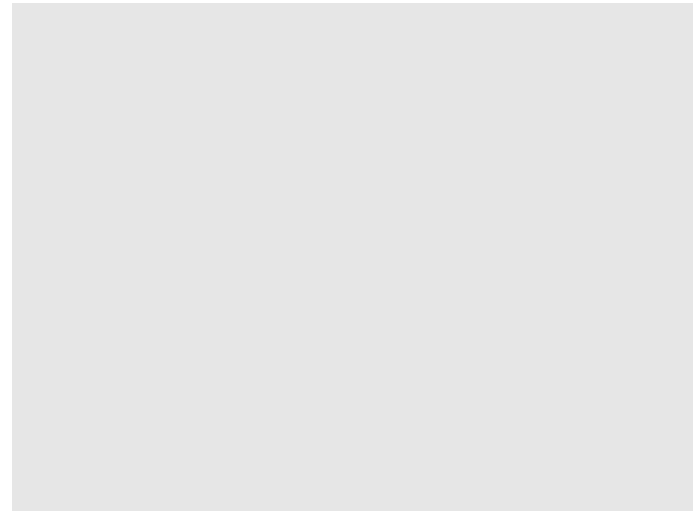
Gerace's ex-wife, Katrina Nigro, was charged with DWI and a felony of unlicensed operation of a motor vehicle after she was involved in an Oct. 11, 2019, head-on collision that injured two people, one seriously, according to Flynn.

Michalski did not recuse himself from the case until two weeks after accepting Nigro's guilty plea to second-degree vehicular assault, a felony, on July 8.

Michalski had married Gerace and Nigro on Sept. 14, 2014, in a ceremony in Glen Falls Park in Williamsville. The couple divorced in 2018.

"The judge did the right thing in recusing himself but my issue with the judge is that he should have recused himself and told of us the conflict right from the get-go," Flynn said Tuesday. "The judge and Katrina Nigro should have notified my prosecutor right away about this situation."

"Two weeks later we received a letter from Judge Michalski saying he had to recuse himself from the case due to a personal conflict. He told my assistant that he had married this defendant to her [now] ex-husband," Flynn said.



State Supreme Court Justice John L. Michalski presided over the wedding of his friend Peter G. Gerace Jr. and Katrina Nigro in 2014. This is the wedding certificate signed by Michalski. The couple divorced in 2018. In 2020, the judge handled Nigro's guilty plea to a felony vehicular assault charge before recusing himself from the case two weeks later.

Courtesy of Katrina Nigro

The case against Nigro was subsequently transferred to Erie County Judge Kenneth Case, who is scheduled to sentence Nigro on March 31. She is facing a maximum sentence of up to four years in prison.

Lana, a friend of the judge who is assisting him, declined to respond to Flynn's comments about the recusal.

Nigro told The News that when she received court paperwork to appear before Michalski she asked her attorney Brent Salevsky to have the case transferred because she was uncertain how Michalski would treat her because of his friendship with her ex-husband.

“When I saw on the court document that he was going to be my judge, I freaked out. I told my lawyer we can’t have him. We have to switch,” Nigro said.

But Nigro said she decided to follow her attorney’s advice and allowed the case to continue in Michalski’s court.

“When I pleaded guilty, he probably didn’t recognize me at first because I was wearing a mask. I’m assuming that. But when I took the mask off to make a statement, he didn’t say anything but immediately recognized me and told my lawyer there may be a conflict,” Nigro said.

Salevsky declined to comment.

On the night of the accident in Aurora, Nigro said she was on her way to Zoar Valley to commit suicide.

“It was raining, I didn’t have my eyeglasses on. I was drunk and I crossed over,” Nigro said. “I said thank God I didn’t kill someone.”

“I was heading to Zoar Valley. I planned to drive over the cliff,” she said, claiming that years of harassment from Gerace had pushed her to the brink.

Gerace has denied abusing her and has filed a libel suit against Nigro for allegedly making false statements about him to police agencies.

By Dan Herbeck

News reporter, Watchdog Team

By Lou Michel

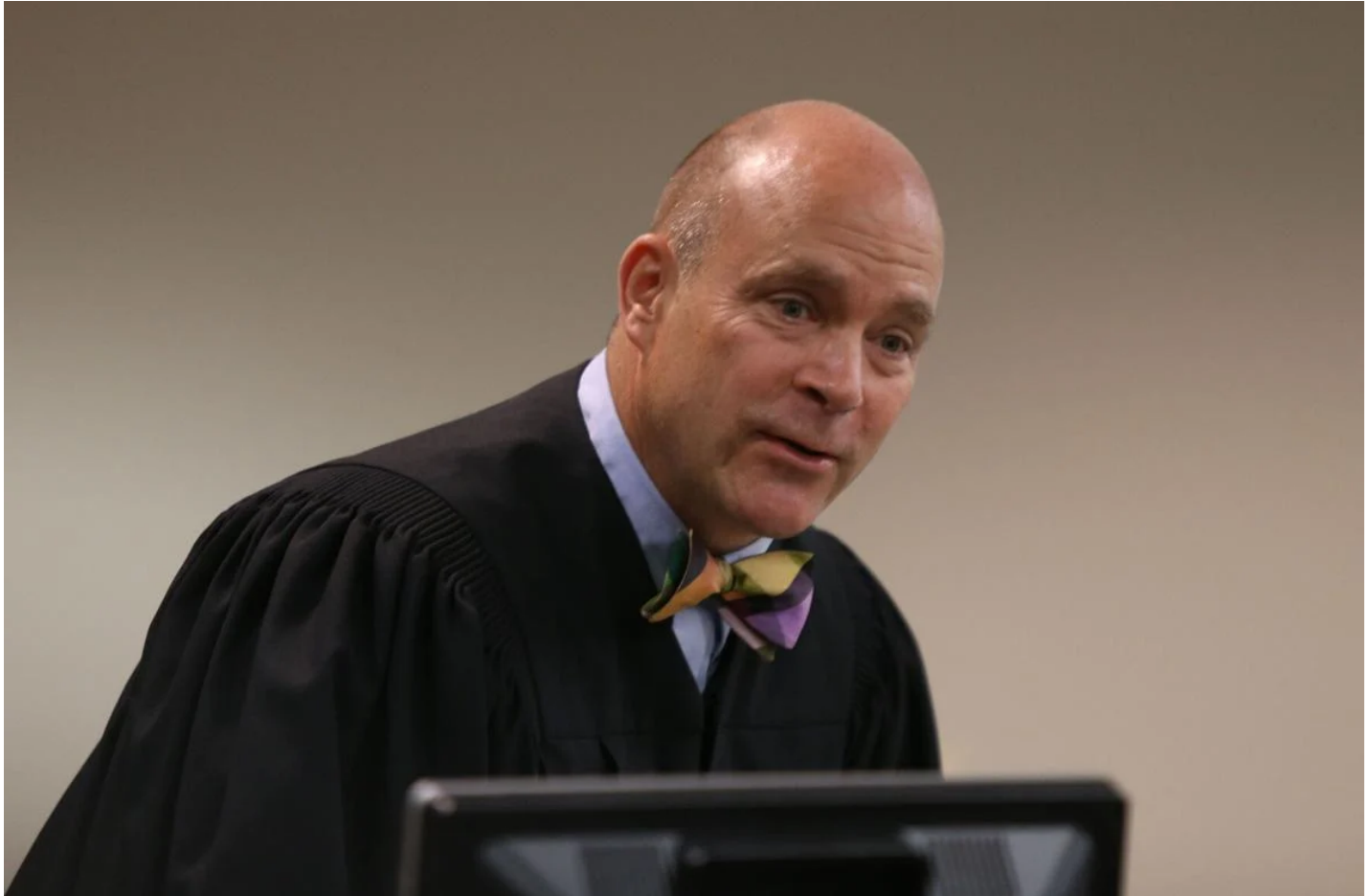
reporter

https://buffalonews.com/news/local/administrative-judge-has-not-talked-with-michalski-since-freight-train-hit-him/article_5768f242-81d8-11eb-8c04-132202183931.html

Administrative judge has not talked with Michalski since freight train hit him

Dan Herbeck

Mar 10, 2021



State Supreme Court Justice John L. Michalski died by suicide in April 2022.

Buffalo News file photo

Dan Herbeck

The administrative judge who oversees the state courts in Western New York said she is hoping for the recovery of State Supreme Court Judge John L. Michalski, but has not talked with him since he was hit by a freight train in Depew.

Judge Paula L. Feroletto said she does not know at this point when Michalski will return to work.

Feroletto's brief comments to a Buffalo News reporter on Wednesday were her first since Michalski, 59, suffered a severe leg injury in the Feb. 28 incident.

"We're thinking about him and his family," Feroletto said in a telephone interview. "He's still in the hospital and we're hoping he is doing much better."

Three law enforcement sources told The News that the judge either fell or **lay down on the railroad tracks** shortly before he was struck by a slow-moving CSX Transportation freight train.

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Asked if she has any information about how Michalski was hurt, Feroletto said, "I have no comment and no information."

About two weeks before the train hit Michalski, **federal law enforcement agents questioned the judge** about his friendship with Peter G. Gerace Jr., according to Anthony J. Lana, an attorney assisting Michalski. Gerace, the owner of a Cheektowaga strip club, **was indicted last month** on charges of bribing Drug Enforcement Administration agent **Joseph Bongiovanni**, narcotics trafficking and sex trafficking.

Gerace, who prosecutors said is the nephew of the leader of the Buffalo Mafia, has pleaded not guilty.

Depew Police are investigating the train incident, which occurred around 1 p.m. near the Amtrak station on Dick Road. Police said Michalski was “a pedestrian” when the train hit him.

Erie County District Attorney John J. Flynn, who reviewed the case at the request of Depew Police, said no other person was close to Michalski, and no one pushed or shoved the judge into the path of the train.

Feroleto is the administrative judge overseeing the state court system in eight counties of Western New York – Erie, Niagara, Allegany, Cattaraugus, Chautauqua, Genesee, Orleans and Wyoming.

Michalski, a former Erie County and Town of Amherst prosecutor, has been a state judge since he was appointed to his position in 2006.

By Dan Herbeck

News reporter, Watchdog Team

https://buffalonews.com/news/local/depew-police-report-provides-few-details-on-judge-hit-by-train/article_3ae33400-834c-11eb-b373-6388248e59e1.html

Depew police report provides few details on judge hit by train

Lou Michel

Mar 12, 2021



State Supreme Court Justice John L. Michalski died by suicide in April 2022.

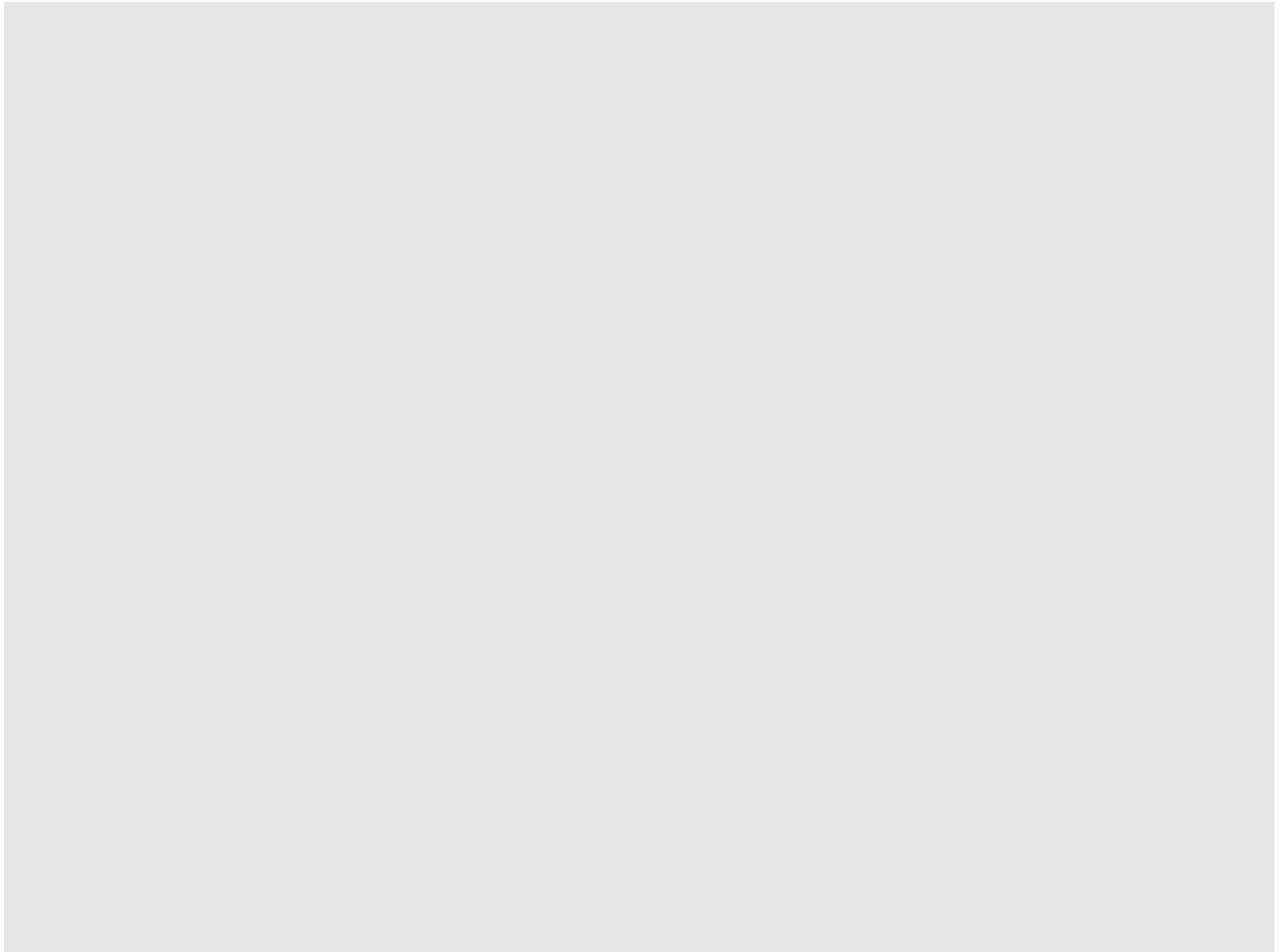
Buffalo News file photo

Lou Michel

The engineer and conductor on a freight train that struck State Supreme Court Justice John L. Michalski were interviewed by Depew police and CSX police after the incident that occurred about 11:43 a.m. Feb. 28 near the Amtrak station in Depew, according to a heavily redacted police report obtained by The Buffalo News through a Freedom of Information Law request.

A video from a camera on the train's engine recorded the incident and police viewed it, according to the report. A second video of the incident was recorded by a train enthusiast who had his cellphone out at the time, according to the report.

Michalski had either fell or lay down on the tracks shortly before he was struck by the slow-moving train, three law enforcement sources told The News.



A train rolls by on tracks near where State Supreme Court Judge John L. Michalski was hit by a CSX freight train on Feb. 28, 2021, in Depew.

Lou Michel

The judge, 60, suffered a serious leg injury. On Thursday, Michalski was listed in good condition at Erie County Medical Center. His condition on Friday was unavailable.

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The News requested copies of photos and videos from the investigation, but none were provided by Depew Village Administrator Terry Wachowiak. She cited a section of the Public Officers Law for why the report was heavily redacted and the photos and videos were not released to The News.

At the scene, police searched for any vehicles that might have been associated with the judge, but could not find any, the report stated.

The call to Depew police came in as a “report of a pedestrian struck by a train.” The report indicates police interviewed two witnesses, but their identities are blacked out. The second witness is believed to be a relative of the individual who shot the cellphone video of the incident.

Michalski was struck by the train about two weeks after federal law enforcement agents contacted him to look into his relationship with Cheektowaga strip club owner Peter G. Gerace Jr.

Gerace, 53, was arrested hours after the train hit Michalski and charged with bribing U.S Drug Enforcement Administration Agent Joseph Bongiovanni, narcotics trafficking and sex trafficking. Bongiovanni is charged with accepting \$250,000 in bribes to protect drug dealers with ties to organized crime. Gerace, who owns Pharaoh's Gentlemen's Club, is the nephew of the man that prosecutors and federal agents say runs the Buffalo Mafia.





Read the full story from News Staff Reporters Lou Michel and Dan Herbeck

Ellen Przepasniak

Both Gerace and Bongiovanni, who retired in 2019 shortly before he was charged, have pleaded not guilty in federal court.

Redacted Depew Police report on Judge John Michalski hit by CSX train (p. 2).

NARRATIVE			
POLICE REPORT	Date Entered: 02/28/2021 13:15	Typist: ROBERT UTZ	Officer: 975-UTZ
<p>[REDACTED]</p> <p>On 2/28/21 RO, PO Stranc, LT Gorski and LVAC responded to Amtrak, 55 Dick Rd, for a report of a pedestrian struck by a train.</p> <p>[REDACTED]</p>			
Printed Date: 03/08/2021 02:28 PM			Page: 1

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Attorney Anthony Lana, a friend of the judge who is assisting him, said Michalski is a longtime friend of Gerace. The attorney said the two met years ago when Michalski was in private practice and performed legal work for Gerace. Lana said he knows of nothing illegal in that friendship.

By Lou Michel
reporter

https://buffalonews.com/news/local/clarence-man-sentenced-to-5-years-in-prison-for-possessing-guns/article_8d474b20-87eb-11eb-8806-438256af5332.html

Clarence man sentenced to 5 years in prison for possessing guns

Dan Herbeck

Mar 18, 2021



Anthony Gerace and his brother, Peter G. Gerace Jr., in a family photo. The Geraces are the nephews of Joseph A. Todaro Jr., who federal law enforcement authorities have identified as the leader of the Buffalo Mafia.

Contributed photo

Dan Herbeck

A Clarence man who pleaded guilty to a firearms charge related to his drug dealing was sentenced Thursday to five years in prison.

Anthony Gerace, 41, who has been linked by federal law enforcement officials to **an ongoing investigation into organized crime in Buffalo**, was sentenced by U.S. District Judge John L. Sinatra Jr., who gave him the mandatory minimum period of

incarceration prescribed under federal sentencing guidelines.

Federal prosecutors have named Gerace as an unindicted co-conspirator in the case of a former federal drug agent accused of taking \$250,000 in bribes from narcotics traffickers with links to the **Buffalo Mafia**.

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Read the full story from News Staff Reporters Lou Michel and Dan Herbeck

Ellen Przepasniak

Gerace was charged after a Jan. 28, 2019, raid at his home, where Homeland Security Investigations agents and investigators from the Erie County Sheriff's Office found 14 guns, more than 500 rounds of ammunition, \$103,360 cash and several hockey bags loaded with marijuana and THC.

Gerace, who said nothing during in his court appearance today, pleaded guilty last year to a felony charge of possessing 14 firearms in furtherance of drug trafficking crimes. He has agreed to forfeit \$103,360 as well as the firearms and ammunition seized from him.

Assistant U.S. Attorney Brendan T. Cullinane said that Gerace sold marijuana, THC, cocaine, hydrocodone and other drugs between 2006 and the date of the police raid.

Gerace admitted in his plea agreement that the firearms were used to protect him, his home on Michael Douglas Drive and the proceeds of his drug distribution operation, prosecutors said.

Court records show the home was purchased for \$450,000 about a month before the raid.

Federal authorities estimated the street value of the seized drugs at \$98,850.

Gerace's brother – **Peter Gerace Jr., 53, who owns Pharaoh's Gentlemen's Club**, a strip club in Cheektowaga – was charged Feb. 28 with felony counts of drug trafficking, sex trafficking and paying bribes to **DEA Agent Joseph Bongiovanni**, who retired the day after Anthony Gerace's home was raided in 2019.

Bongiovanni and Peter Gerace Jr. have pleaded not guilty to the charges.

Prosecutors have identified Anthony Gerace, a former employee of Pharaoh's, as an unindicted co-conspirator in the Bongiovanni case, but have not charged him criminally in that case.

Peter Gerace and Anthony Gerace are unindicted co-conspirators of former DEA Agent Joseph Bongiovanni (p. 38)

The Bongiovanni indictment, 19CR227, lists three as yet unindicted co-conspirators in that indicted. Co-conspirator one is Peter Gerace; No. 2 is Anthony Gerace; and there is a number three. All of those contacts are also in

[View the entire document with DocumentCloud](#)

The Gerace brothers are nephews of Joseph A. Todaro, whom federal agents and Assistant U.S. Attorney Joseph M. Tripi have identified in court statements and documents as the leader of the Buffalo Mafia.

Todaro has not been charged in the ongoing investigation. He told The Buffalo News that any attempts to link him to organized crime are "nonsense."

Todaro said he has nothing to do with his nephews and would never become involved with narcotics trafficking.

Anthony Gerace has been in home confinement, under electronic monitoring, for "more than two years, with no incidents of any kind," his attorney, Thomas J. Eoannou, told the judge during Thursday's sentencing. Sinatra allowed Gerace to remain on home confinement until his incarceration date, which will be arranged by the U.S. Bureau of Prisons.

The judge could have fined Anthony Gerace up to \$250,000, but elected not to fine him, saying Gerace would be financially unable to pay. He was described as unemployed in court papers filed by prosecutors after the raid on his home.

Eoannou said his client could have faced a minimum sentence of 15 years if convicted on all the charges originally filed against him.

There was no mention of Peter Gerace or Bongiovanni during Thursday's proceeding.

Also involved in the Anthony Gerace investigation were the FBI, Amherst police, the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives and U.S. Customs and Border Protection.

By Dan Herbeck

News reporter, Watchdog Team

https://buffalonews.com/news/local/crime-and-courts/judge-hit-by-train-under-investigation-over-claim-of-5-000-payment-for-wedding/article_cf4c168a-85b2-11eb-be75-2b2463b18210.html

Judge hit by train under investigation over claim of \$5,000 payment for wedding

Lou Michel , Dan Herbeck

Mar 19, 2021



State Supreme Court Justice John L. Michalski during a sentencing Oct. 3, 2008, at the Erie County Courthouse in Buffalo.

Buffalo News file photo

Lou Michel , Dan Herbeck

New York State's Commission on Judicial Conduct is investigating allegations that Supreme Court Justice John L. Michalski, who was recently hit by a train, was paid \$5,000 by a Cheektowaga strip club owner to perform his wedding despite a

state law that caps such pay at \$100, according to two government sources.

The investigation, the sources told The Buffalo News, began sometime after the ex-wife of Peter G. Gerace Jr. made claims on social media months ago about the payment to Michalski.

Michalski did not report receiving a \$5,000 cash payment for officiating at the wedding of Gerace and Katrina Nigro in state ethics disclosure statements on outside income, according to a copy of the statements obtained by The News.

The judge was seriously injured when he was **struck by a freight train** in Depew on Feb. 28, about a week after federal agents contacted him to question him about his relationship with Gerace, the indicted owner of Pharaoh's Gentlemen's Club. Law enforcement sources have said Michalski either fell or lay on the tracks.

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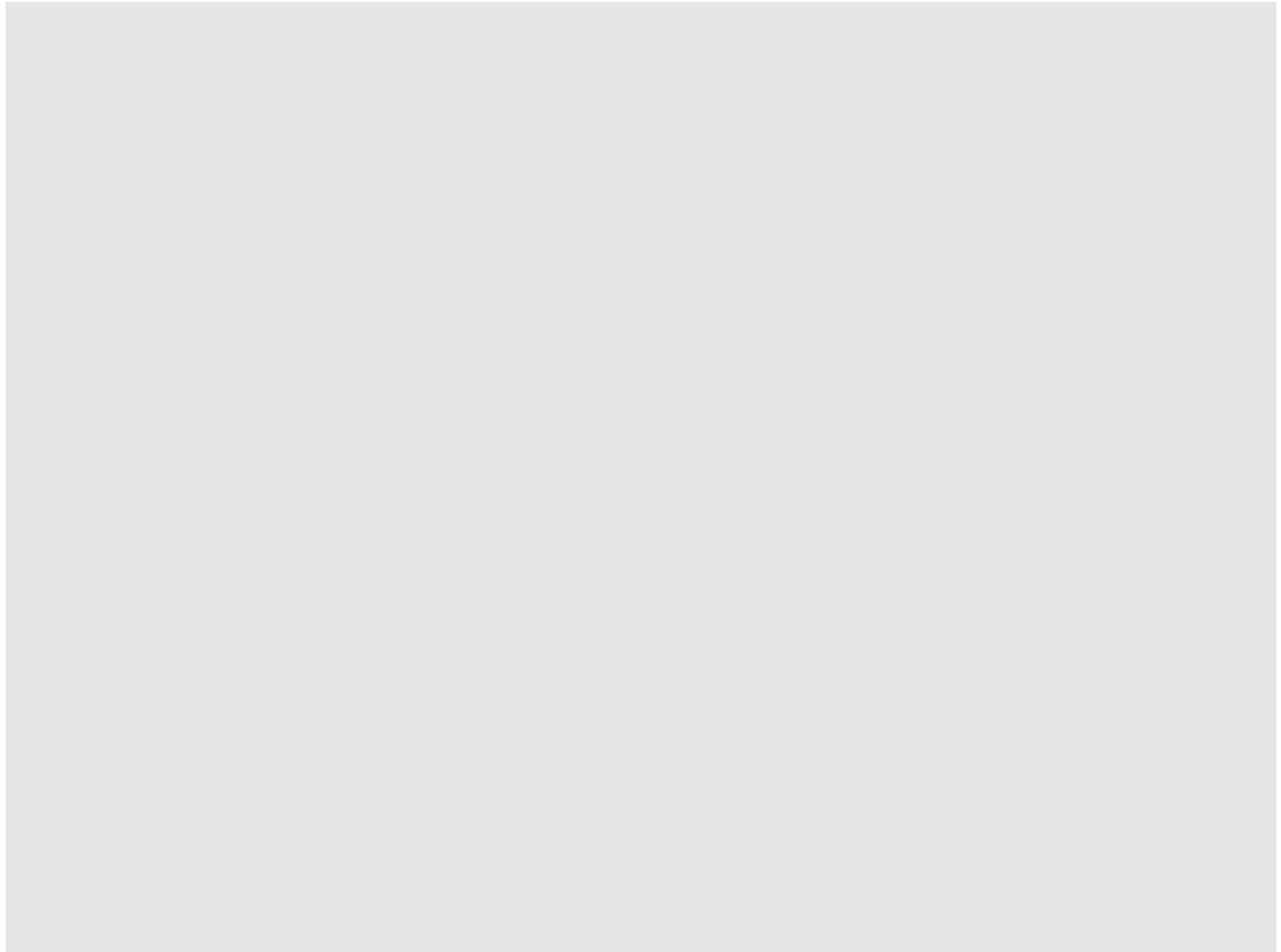
Gerace – who was **charged with bribing a DEA agent** – denies paying the judge \$5,000.

“I’ve been married before in a church and only gave the priest \$200. Why would I give a judge \$5,000?” said Gerace, who said his ex-wife is lying.

Nigro, who married Gerace in 2014, said that she has told FBI agents about the \$5,000 payment by her former husband to the judge.

Nigro told The News that she watched Gerace count out \$100 bills and stuff them into an envelope, explaining the money was for Michalski for marrying them. A day after her Sept. 18, 2014, wedding, she saw Gerace hand the judge the envelope containing the cash, Nigro said.

“The judge took it and put it into the pocket of his sport coat,” she said.



Katrina Nigro with her then-husband, Peter G. Gerace Jr., the owner of Pharaoh's Gentlemen's Club, a strip club in Cheektowaga. Nigro said she has testified before a federal grand jury that is investigating organized crime in Buffalo. Gerace's club was raided by federal agents in 2019 as part of that investigation.

Provided by Katrina Nigro

A spokesman for the Commission on Judicial Conduct declined to comment when asked if the commission is investigating Michalski.

“We cannot comment on any specific matter” involving a judge unless an investigation has been concluded and made public by the commission, said Robert H. Tembeckjian, administrator and counsel to the commission.

In addition to telling the FBI about the payment, Nigro said she has testified before a federal grand jury investigating organized crime in Buffalo.



Read the full story from News Staff Reporters Lou Michel and Dan Herbeck

Ellen Przepasniak

Gerace is the nephew of the man who prosecutors have contended for years is the leader of the Buffalo mafia.

Hours after Michalski, 60, was hit by what authorities say was a slow-moving freight train near the Depew Amtrak Station, Gerace, 53, was arrested on charges of bribing U.S. Drug Enforcement Administration Agent Joseph Bongiovanni, narcotics trafficking and sex trafficking.

Gerace and Bongiovanni, who is accused of accepting \$250,000 in bribes to protect drug dealers with alleged ties to organized crime, have **pleaded not guilty** in federal court.

Attorney Anthony J. Lana, who has been assisting Michalski since federal agents contacted the judge, texted The News on Friday, "I have no comment," when asked about the \$5,000 payment.

Lana previously said he is **unaware of any illegal activity between the judge and Gerace**, whom he described as longtime friends.

The News has not been able to contact Michalski.

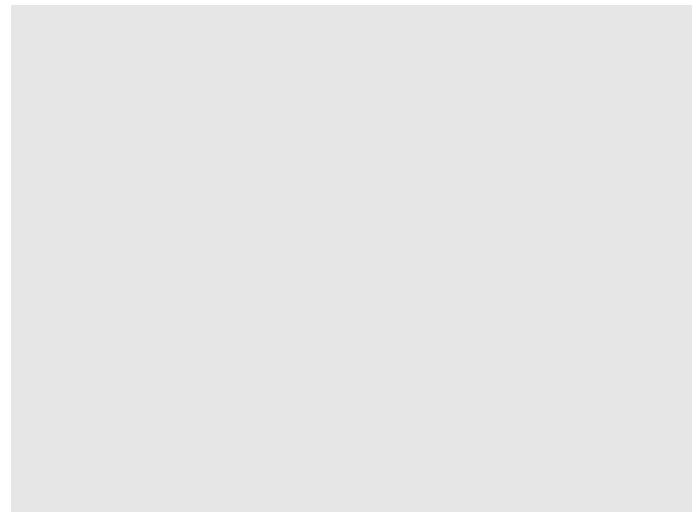
The wedding

According to a state marriage certificate, Michalski officiated at the wedding of Gerace and Nigro.

Peter Gerace's brother, Anthony – who was **sentenced Thursday to five years in prison** on a federal drug and weapons conviction – signed the marriage license as a witness to the ceremony.

In interviews with The News, Nigro said the wedding was held at Glen Park in Amherst. The following day Gerace handed the unmarked envelope to the judge during a small gathering of close family and friends in an Amherst restaurant, she said.

According to Nigro, she and Gerace were at home preparing to go to the dinner when she watched her new husband put the \$100 bills into the envelope. She said she did not count the money but said her husband told her it was \$5,000 for Michalski.



State Supreme Court Justice John L. Michalski presided over the wedding of his friend Peter G. Gerace Jr. and Katrina Nigro in 2014. This is the wedding certificate signed by Michalski. The couple divorced in 2018. In 2020, the judge handled Nigro's guilty plea to a felony vehicular assault charge before recusing himself from the case two weeks later.

Courtesy of Katrina Nigro

"He told me, 'This is for the judge, to help his kids with college,' " Nigro said.

She said Gerace explained to her that the payment was a gesture of gratitude for performing the wedding.

As Gerace reached across the table and handed the envelope to Michalski, Nigro recalled, he allegedly said the money was to help the judge pay the college tuition for his children.

The judge, she said, "didn't say anything."

Ryan Fleckenstein, a Wheatfield resident who is a longtime friend of Nigro, said he recalls Nigro in the past discussing her wedding ceremony, and Gerace paying the judge to marry them.

"I remember her saying Peter gave the judge \$5,000 to marry them without having the 24-hour wait. She said it was an illegal marriage. This was a while ago," Fleckenstein said.

Limit on pay for weddings

Judges in New York State are prohibited by General Municipal Law from accepting more than \$100 for performing a wedding ceremony, according to Tembeckjian, the administrator and counsel to the State Commission on Judicial Conduct.

"It is not a 'crime' because it is not in the Penal Law," Tembeckjian told The News.

"Any remedies would be civil. But because it is a statute, you can certainly say it is against the law – the General Municipal Law – for a judge or other public official to accept more than \$100 to perform a wedding."

But Tembeckjian added that the commission in 2015 "accepted the resignation of a judge in Yonkers who, among other things, was charging \$200 per wedding."

Tembeckjian's comments to The News were about the judiciary in general. He declined to comment on the situation involving Michalski.

Tembeckjian said state judges are also required to disclose in annual reports to the state court system's Ethics Commission any income above \$150 that they make outside their own judicial salaries.

The News obtained Michalski's reports to the Ethics Commission for the years 2014 through 2019. Michalski's reports make no mention of any money received from Gerace. None of the six annual reports filed by Michalski make any mention of wedding income of any kind.

Bride says she was drunk

Nigro said her wedding never should have taken place because she was highly intoxicated and a document was falsified to waive a mandatory 24-hour waiting period.

"The reason he wanted it on Sept. 18 was because it's Papa Joe's birthday," Nigro said, referring to the late Joseph E. Todaro, Gerace's grandfather.

Joseph E. Todaro, who died in 2012, and his son Joseph A. Todaro have been identified by the FBI over the years as leaders of the Buffalo mafia. However, no charges proving that have ever been brought against them. Joseph A. Todaro told The News last month that **the allegation is "nonsense."**

On the waiver request, Gerace wrote, "... I Peter Gerace am undergoing a surgical procedure tomorrow, Sept. 19, 2014. This request constitutes a medical emergency."

Nigro said Gerace did not have surgery planned.

"Peter definitely did not have emergency surgery the next day. He was hungover," she said.

Nigro and Gerace's marriage ended in divorce in 2018.

Gerace calls ex-wife a liar

Gerace sued his ex-wife in State Supreme Court for libel and defamation in 2020, alleging she has made multiple false statements against him to police and government agencies. He said that they have all been investigated and determined to be unsubstantiated.

Gerace also pointed out that Nigro has been arrested for violating an order of protection he had against her and that she has been arrested multiple times for driving while intoxicated.

The lawsuit is pending.

Nigro, 38, said she has been arrested and jailed for allegedly violating the protection order. She claims authorities did not believe her when she told them that it was Gerace who was harassing and threatening her.

In 2016 in Elma, an Erie County sheriff's deputy charged Nigro with falsely reporting an incident and falsifying records in a complaint against Gerace.

"Those charges were dismissed," said Nigro, who said she has never lied to police or committed perjury.

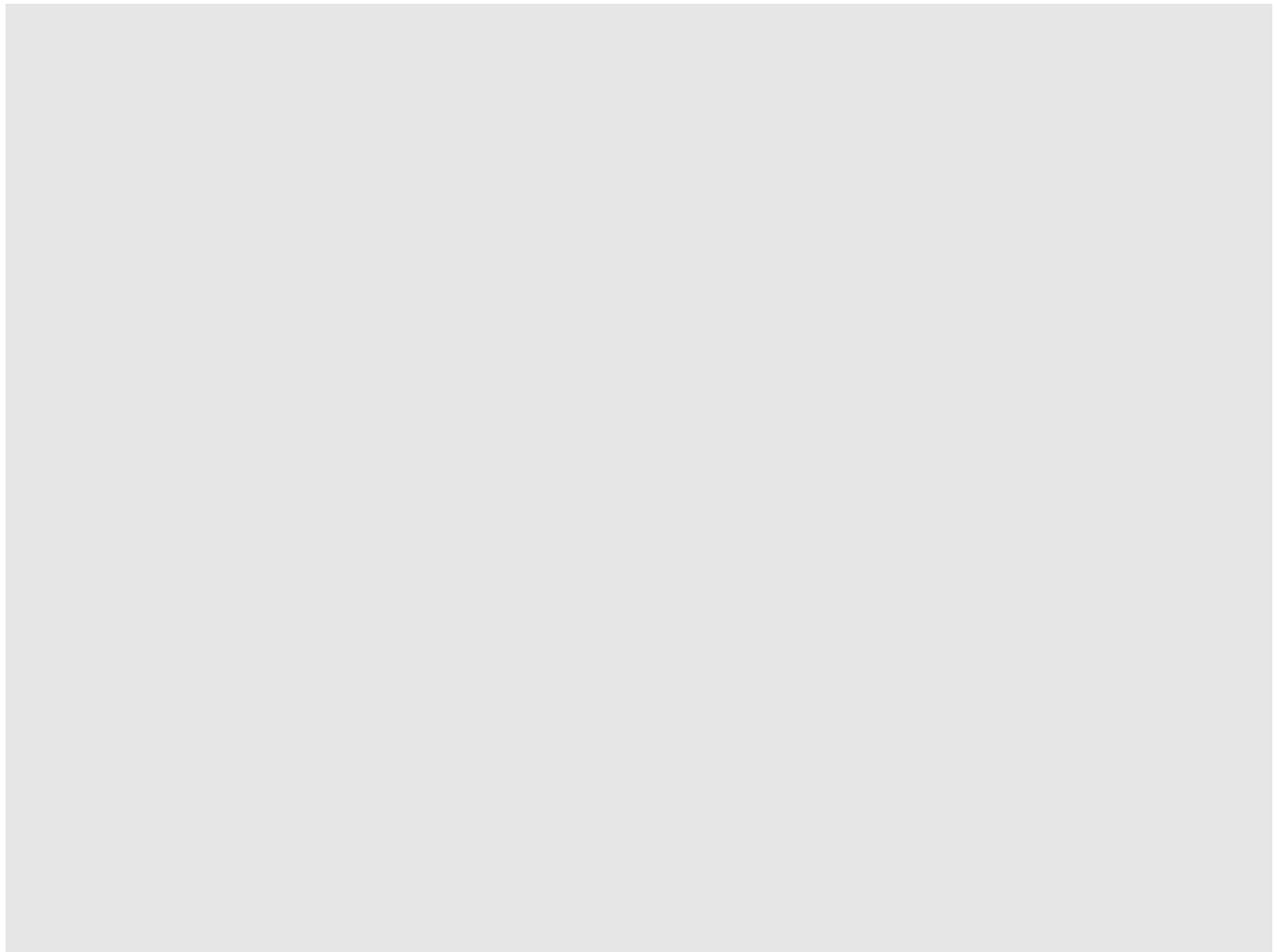
Attorney Jason DiPasquale, who represented Nigro on the case involving charges of falsely reporting an incident and falsifying records, confirmed that the charges were dismissed in Elma Town Court. The records for the case are sealed.

Nigro has been charged with drunken driving on several occasions. She blamed the more recent alcohol-related arrests on her marriage and breakup with Gerace. She says she was depressed because no one believed her statements that he was abusive to her.

On March 31, Nigro is scheduled to be sentenced in Erie County Court for her guilty plea to second-degree vehicular assault, a felony. The charge resulted from a 2019 drunken driving accident that injured two people, one of them seriously, in a head-on collision in the Town of Aurora.

Attorney Steve M. Cohen, who is representing Gerace in the libel-defamation suit against Nigro, raised questions about the U.S. Attorney's Office's use of Nigro as a grand jury witness in its probe of "Italian Organized Crime."

"I doubt very much the grand jury that indicted Peter knew that Peter was the victim of Katrina for years, or that Peter needed to bring legal proceedings to keep her away from him, or that Peter had to sue Katrina. It is unfortunate who the government presented as their 'credible witness,' " Cohen said, adding that the government is persecuting Italian Americans "as criminals based solely upon their ancestry."



A train rolls by on tracks near where State Supreme Court Judge John L. Michalski was hit by a CSX freight train on Feb. 28, 2021, in Depew.

Lou Michel

Judge still in hospital

Meanwhile, Michalski remains a patient at Erie County Medical Center.

Depew police, who are investigating the train accident, said Michalski was “a pedestrian” when the train hit him. They said they did not find a vehicle belonging to him near the scene.

As a State Supreme Court judge assigned to the Court of Claims, Michalski makes \$210,900 a year. He was appointed to his position in 2006.

By Lou Michel

reporter

By Dan Herbeck

News reporter, Watchdog Team

https://buffalonews.com/news/local/despite-no-criminal-probe-depew-refuses-to-release-video-of-train-hitting-judge/article_5d2dc23c-8c07-11eb-825f-af1eeb7d5cd8.html

Despite no criminal probe, Depew refuses to release video of train hitting judge

Lou Michel

Mar 24, 2021



State Supreme Court Justice John L. Michalski died by suicide in April 2022.

Buffalo News file photo

Lou Michel

Depew officials are citing two investigations of State Supreme Court Justice John L. Michalski as reasons for the village refusing a Buffalo News appeal to release videos of him being struck by a freight train on Feb. 28.

A portion of one of the videos shows the judge approaching the train. This video was aired Monday by WIVB-TV after it obtained a copy of it from the man who shot it on his cellphone.

Depew Village Attorney Samuel A. Alba said Tuesday that Michalski, who survived, is the subject of two ongoing investigations. He declined to disclose who is investigating Michalski but said he believes the investigations are not criminal.

Alba said that the investigations and state privacy laws prohibit the village from releasing the videos to the public. He declined to further explain the justifications, but said the reasoning for the decision would be released later this week.

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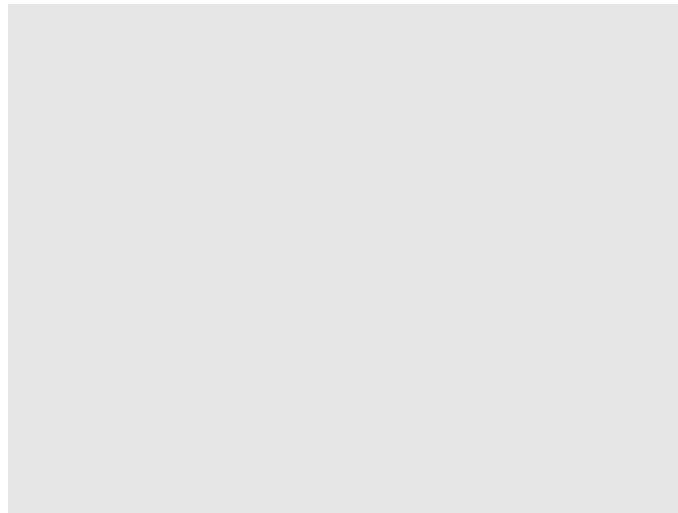
The Buffalo News had filed a Freedom of Information Law request for the videos.

The state Freedom of Information Law allows government agencies to withhold records that are compiled for law enforcement purposes and which, if disclosed, would interfere with law enforcement investigations or judicial proceedings.

Erie County District Attorney John Flynn has said no criminal charges can be brought related to the train incident because no crime was committed. He made that determination after his office reviewed video from the incident.

The Buffalo News has reported that about a week before Michalski was struck by the freight train, federal agents contacted the judge to question him about **his relationship with Peter G. Gerace Jr.**, a Cheektowaga strip club owner who has been **indicted on charges of bribing a DEA agent, sex trafficking and narcotics trafficking**.

Last week, The News reported that the New York State Commission on Judicial Conduct **was investigating allegations that Michalski received \$5,000 from Gerace**, the owner of Pharaoh's Gentlemen's Club, for officiating at his wedding to Katrina Nigro in 2014, according to two sources. Under state law, judges are not allowed to receive more than \$100 for performing marriages. Nigro told The News that she saw Gerace give Michalski an envelope containing the cash the day after the wedding. Gerace denied paying \$5,000 to the judge for performing the ceremony.



Peter G. Gerace Jr. will remain in custody until his August trial.

Photo courtesy of the Broward County Sheriff's Office

Nigro also told The News she has testified before a federal grand jury investigating organized crime in Buffalo.

The News had appealed Depew's decision to deny the release of any videos or images Depew Police had from the investigation of the train incident. The village released only **a highly redacted police report** confirming Michalski was struck by a slow moving CSX freight train at 11:43 a.m. near the Amtrak Station in Depew.

“Since our initial disclosure, we have become aware of two ongoing investigations and to the best of my knowledge, neither are criminal investigations,” Alba said. “There is also a personal privacy exemption.”

WIVB airs video

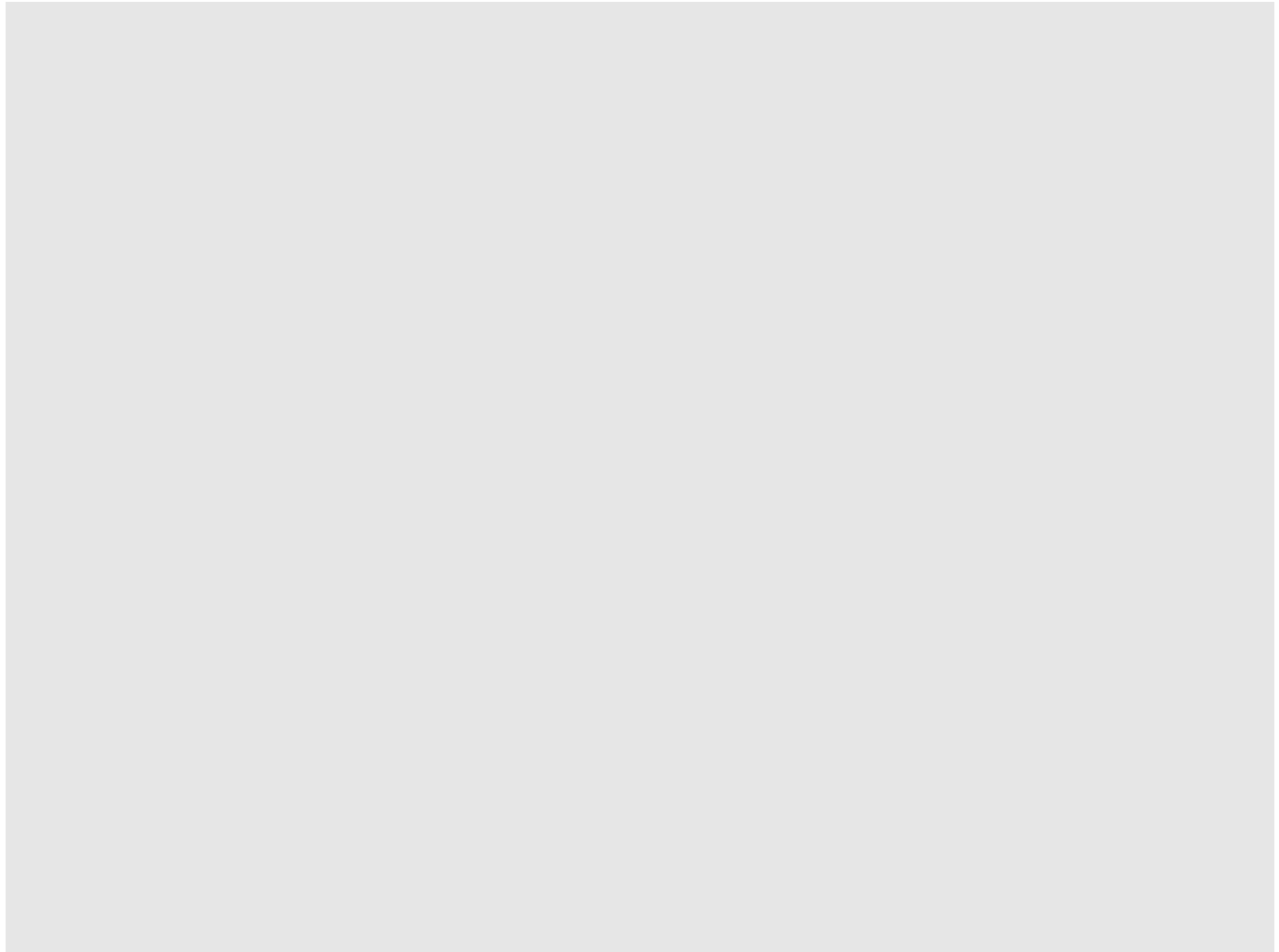
Alba’s decision comes one day after WIVB aired a portion of a video showing the judge approaching the freight train. The video was shot by a train enthusiast who provided Depew Police with a copy of the video.

In describing the incident, the enthusiast, Alex, whose last name was withheld by WIVB, said it happened over 10 seconds.

“I thought he might have been a rail fan like us, but I had a little bit of concern when he walked out onto the tracks and when he lay on the tracks, I was like, ‘oh, no, this isn’t good,’ ” Alex told the television station.

His video showed the 60-year-old judge jogging across sets of train tracks and, according to Alex, lying on his stomach as the train approaches.

His video was one of two that recorded the incident. The second was from a camera on the engine of the freight train, according to the police report, which listed the incident as a pedestrian struck by a train.



A train rolls by on tracks near where State Supreme Court Judge John L. Michalski was hit by a CSX freight train on Feb. 28, 2021, in Depew.

Lou Michel

Michalski out of hospital

The judge suffered a serious leg injury and was hospitalized at Erie County Medical Center but has since been released.

“Our information is that he has been released from the hospital and continues his convalescence,” Lucian Chalfen, a state court system spokesman, said Tuesday. “His case inventory is currently being handled by other judges.”

Gerace, 53, was arrested hours after the train hit Michalski and charged with bribing U.S Drug Enforcement Administration Agent **Joseph Bongiovanni**, sex trafficking and narcotics trafficking. Bongiovanni, who is now retired, is charged with accepting \$250,000 in bribes to protect drug dealers with ties to organized crime.

Gerace is the nephew of **Joseph A. Todaro**, whom prosecutors and federal agents say runs the Buffalo mafia. Todaro has described that claim as “nonsense.” Gerace has also denied any connection to organized crime. He and Bongiovanni have pleaded not guilty.



New York State's Commission on Judicial Conduct is investigating allegations that Supreme Court Justice John L. Michalski, who was recently hit by a train, was paid \$5,000 by a Cheektowaga strip club owner to perform his wedding despite a state law that caps such pay at \$100, according to two government sources.

[Read the full story here](#)

By Lou Michel
reporter

https://buffalonews.com/news/local/crime-and-courts/judges-dangerous-encounter-with-train-astonishes-those-who-know-him/article_13fe747e-925d-11eb-b230-1f544515ad6a.html

Judge's dangerous encounter with train astonishes those who know him

Lou Michel , Dan Herbeck

Mar 31, 2021



State Supreme Court Justice John L. Michalski during a sentencing Oct. 3, 2008, at the Erie County Courthouse in Buffalo.

Buffalo News file photo

Lou Michel , Dan Herbeck

Judge John L. Michalski sometimes told convicted criminals in State Supreme Court that he was sparing them from long prison terms because he wanted to help them find redemption.

Outside the courtroom, he is known for his lively and outrageous sense of humor, his pranks at social gatherings, an infectious, high-pitched laugh and his devotion to his wife and four children.

The fun-loving Michalski was the last person his friends expected to lie down in front of a slow-moving freight train, they told The Buffalo News.

But the judge was hit by a train on Feb. 28.

He survived with a serious leg injury, but has been embroiled in controversy ever since, with federal and state authorities **investigating his friendship with an indicted strip club owner.**

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And the incident has sent shockwaves through the legal and political communities of Western New York.

“I certainly was as surprised as anyone who would have known John that he may have taken personal actions that may have caused the accident as opposed to a freak accident,” said former Rep. Thomas M. Reynolds, who played a pivotal role in securing Michalski’s appointment as a state judge.

Reynolds and other acquaintances of the judge said it would be wrong to draw any conclusions about Michalski and what led to the Feb. 28 incident on railroad tracks near the Depew Amtrak Station.

“I think it is important that he recovers, and we wait until the facts become known,” Reynolds said.

What is known is that about a week before Michalski was struck by the CSX freight train, federal agents contacted the judge to question him about his friendship with Peter G. Gerace Jr., owner of Pharaoh's Gentlemen's Club in Cheektowaga, and a target in the federal government’s **ongoing investigation into organized crime in Buffalo.**

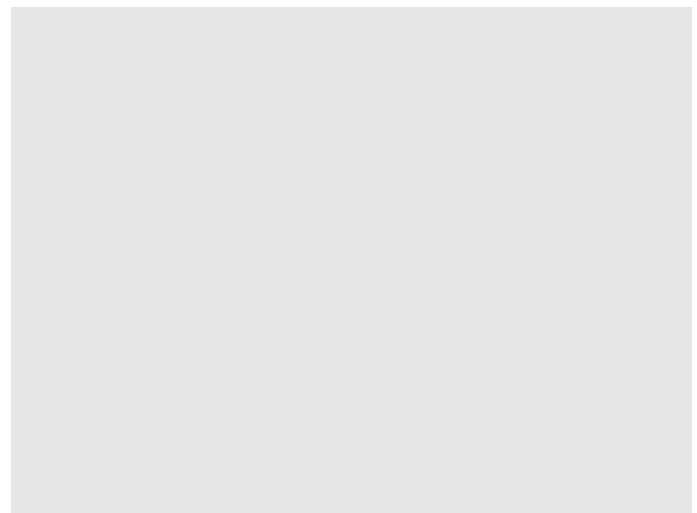


Read the full story from News Staff Reporters Lou Michel and Dan Herbeck

Ellen Przepasniak

Gerace was charged with felony counts of bribing a DEA agent, sex trafficking and narcotics trafficking on the same day Michalski was struck by the train.

The state Commission on Judicial Conduct is also **investigating whether Gerace paid Michalski \$5,000 in cash** for performing his



wedding in 2014 despite a state law that bars judges from being paid more than \$100 for that duty, according to two government sources.

Peter G. Gerace Jr. will remain in custody until his August trial.

Photo courtesy of the Broward County Sheriff's Office

And there is a witness to the train incident who told WIVB-TV he videotaped Michalski jogging toward the tracks and laying down in front of the CSX train.

He sought leniency for Gerace

The friendship between the judge and Gerace began decades ago when Michalski was in private practice and performed legal work for Gerace's strip club, according to attorney Anthony J. Lana, who is assisting the judge.

In 2006, when Gerace was awaiting sentencing for a felony wire fraud conviction related to his sweepstakes telemarketing business, Michalski wrote a letter to U.S. District Judge William M. Skretny, asking him to show leniency for his friend.

In his letter, Michalski described Gerace as a client and friend for nearly a decade. He said Gerace was a hardworking businessman with a great sense of humor, and also a “fantastic Dad” of two young boys.

“Our families socialized together, and it is a pleasure to do so,” Michalski wrote of Gerace. “We have spoken at length about the mistakes we both have made. ... He is extremely remorseful regarding the effect his criminal activity has had on the victims.”

“He is no risk to our community,” Michalski added in the letter.

After reading character letters from Michalski and others, Skretny gave Gerace a break, sentencing him to five months in prison when advisory sentencing guidelines suggested a prison term of eight to 12 months.

Less than three months after writing the Gerace letter, Michalski became a state judge, when he was appointed by then-Gov. George E. Pataki.

Gerace is now charged with bribing Drug Enforcement Administration Agent **Joseph Bongiovanni**. Bongiovanni, now retired, has been charged with accepting \$250,000 in bribes to protect alleged drug dealers with ties to organized crime. Both men have pleaded not guilty.

Michalski's support for Gerace was no surprise to James Oliver, an Amherst restaurateur who is a friend of both Michalski and Gerace.

"If John's your friend, he is no fair-weather friend," Oliver said. "If you needed anything, to borrow tools, anything, he was one of those guys you could count on."

The 'life of the party'

Attorney Michael A. Benson, whose friendship with Michalski goes back to their law school days at the University at Buffalo, said it is too early to draw conclusions about recent developments involving Michalski.

"Hopefully when the facts come out, it will show that John is an honest judge and lawyer whose integrity is intact," Benson said. "I personally don't believe the allegations and I hope nobody does."

Many of the 32 friends and colleagues of Michalski interviewed by The News described him as a gregarious, caring and fun-loving man. Several friends used the words "life of the party" to sum up his persona.

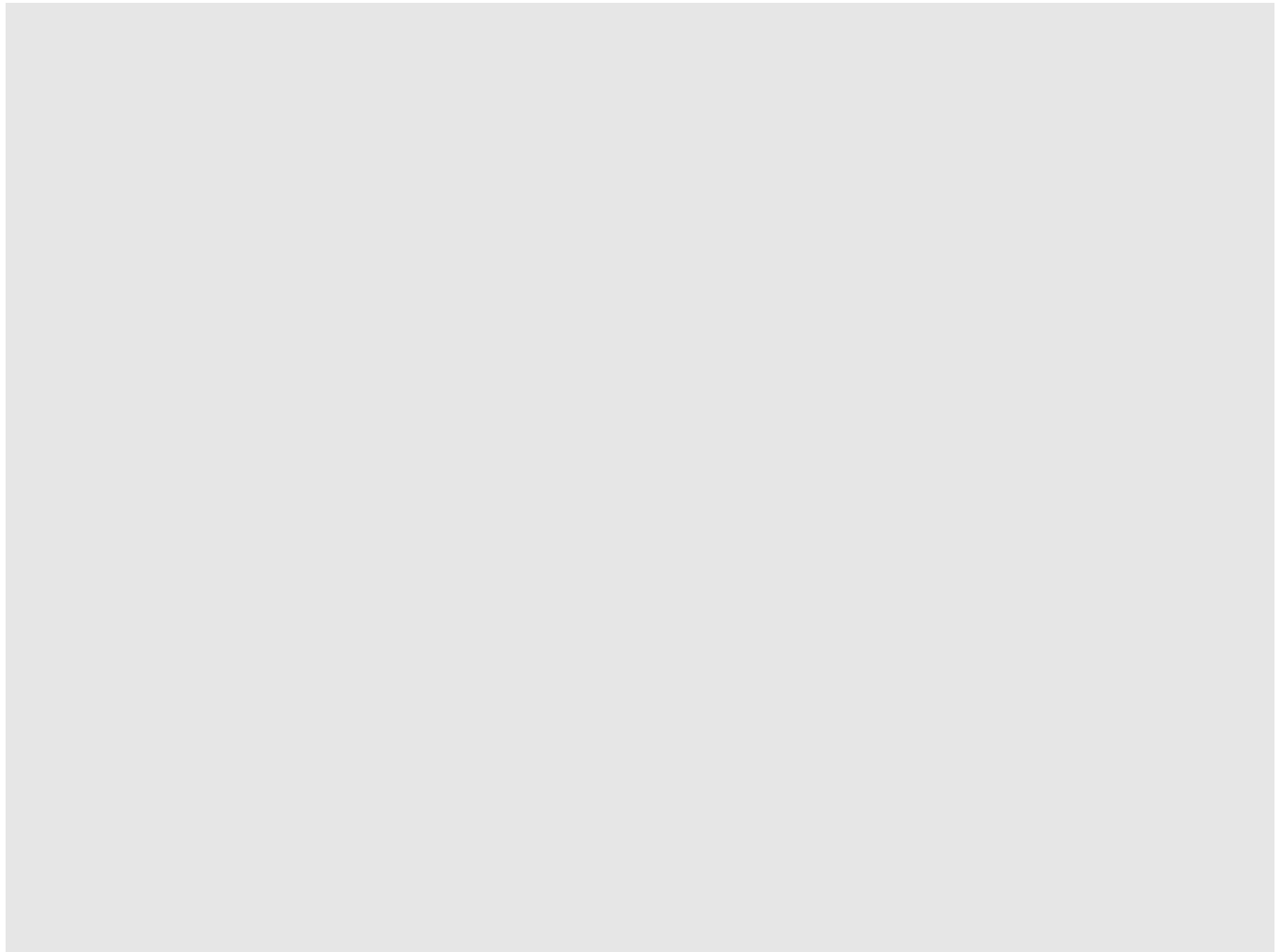
"His standout characteristic has always been his sense of humor," said defense lawyer Joseph J. Terranova, who first met Michalski more than 30 years ago when they played pickup hockey together. "Such an upbeat, funny, socially engaged guy ... just a fun person to spend time with."

"We have an annual golf tournament and he'd have this multicolored sports jacket and he'd have the winner wear it, like the green sports jacket the winner wears at the Masters," one of Michalski's judicial colleagues recalled.

Although friends describe Michalski as colorful as the bright, eye-popping bow ties he wears to work, people close to him say they are in the dark when it comes to what happened on that Sunday morning on the railroad tracks.

They said friends have left phone messages and sent texts wishing him a speedy recovery.

Michalski has not responded to several requests for an interview from The News and a family member declined Thursday to comment.



A train rolls by on tracks near where State Supreme Court Judge John L. Michalski was hit by a CSX freight train on Feb. 28, 2021, in Depew.

Lou Michel

Becoming a lawyer

A graduate of Maryvale High School, Michalski grew up on George Urban Boulevard.

He continued his studies at SUNY Oswego, where he would meet his future wife, Susan, a Long Island native. They would marry after he graduated from UB Law School in 1987.

“John is Mr. Responsible. Even in law school, he was very responsible. We had fun, but he studied hard and worked his way through it. He did everything, landscaping, you name it, John would do it,” said Benson.

Michalski’s first job as a lawyer was at the Erie County District Attorney’s Office, where he specialized in domestic violence prosecutions. He later went into private practice.

Working as a criminal defense attorney during the 1990s, he handled several cases involving violent, high-profile drug gangs. One of his clients, Myron Brown, was sentenced to 8 1/3 to 25 years for shooting and killing a member of Buffalo’s Tenth Street gang near a Buffalo crack house.

“John was a very good lawyer, who also handled some sophisticated civil cases,” recalled Terranova.

For several years, Michalski also served as a prosecutor for Amherst, the town where he and his wife settled to raise their family.

At the same time, he boosted his public and political profile. Michalski served as president at two Buffalo organizations – the Advocates Club, a club made up of Polish American lawyers, and the Professional and Businessmen's Association.

Reynolds, who at the time was the top elected Republican in Erie County, said he would often bump into Michalski at community events and took a liking to him.

“I thought John was both conscientious as a prosecutor, serious in the practice of law and active in the community,” Reynolds said. “He was also a very funny guy. If you were with him and didn’t have a few chuckles, you didn’t have much of a sense of humor.”

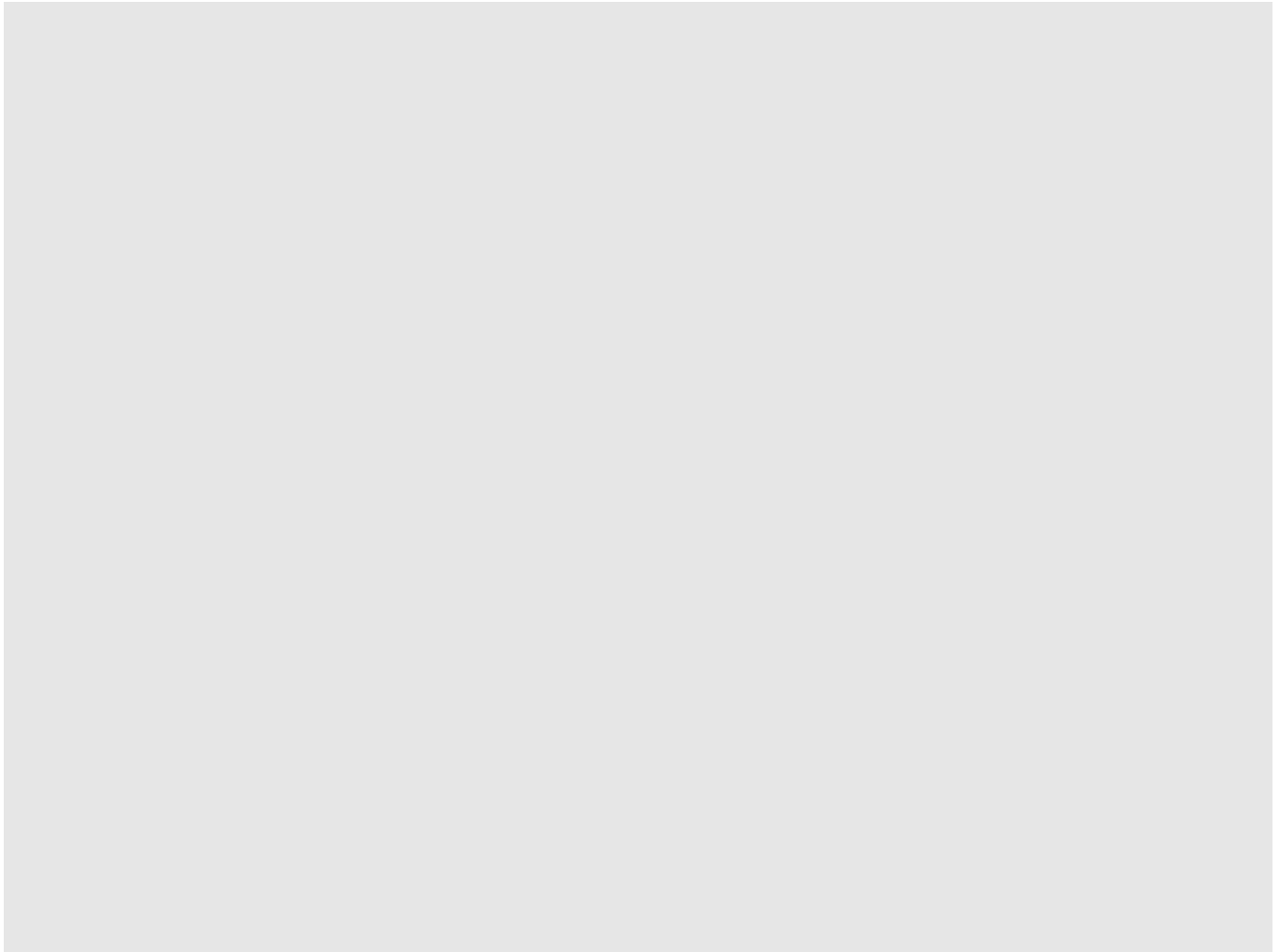
For Michalski to find himself in Reynold's good graces was fortuitous. Reynolds had the ear of Pataki, a close GOP ally with whom he had served in the state Assembly. In fact, they sat next to each other.

In 2003, Michalski ran unsuccessfully on the Republican line for an Erie County Family Court judgeship. In 2005, he ran unsuccessfully for State Supreme Court judge. The following year, when an unexpired three-year term with the State Court of Claims became available, Reynolds said he went to the governor and recommended Michalski for the appointment.

James P. Domagalski, chairman of the Erie County Republican Committee at that time, said he and other senior Republican leaders also went to bat for Michalski's appointment.

And there was something else playing in Michalski's favor.

Michalski, his campaign committees and his spouse gave nearly \$7,500 in political contributions to the Republican Party and GOP politicians. Many of the donations were made in the 12 months before he was appointed to the Court of Claims. Some went to state senators from Western New York prior to their voting to confirm his appointment on June 21, 2006.



State Supreme Court Justice John L. Michalski died by suicide in April 2022.

Buffalo News file photo

His judgeship

Twelve local attorneys who spoke to The News described Michalski, who technically serves as an acting State Supreme Court justice, as a fair and compassionate judge.

During his sentencings, Michalski often speaks of giving convicted criminals a chance to redeem themselves.

In 2012, a woman named Sherry Holcomb admitted she stole \$15,000 from a charitable fund set up to help her son fight cancer. Holcomb said a gambling addiction led her to steal the money. Her theft outraged many people in Western New York and also drew some national publicity.

Michalski could have sent her to prison for four years, but the judge put her on probation for five years, ordered her to perform 200 hours of community service, and directed her to repay the stolen money.

"You do deserve a chance for redemption," Michalski told Holcomb. "I don't want to stand in the way of that."

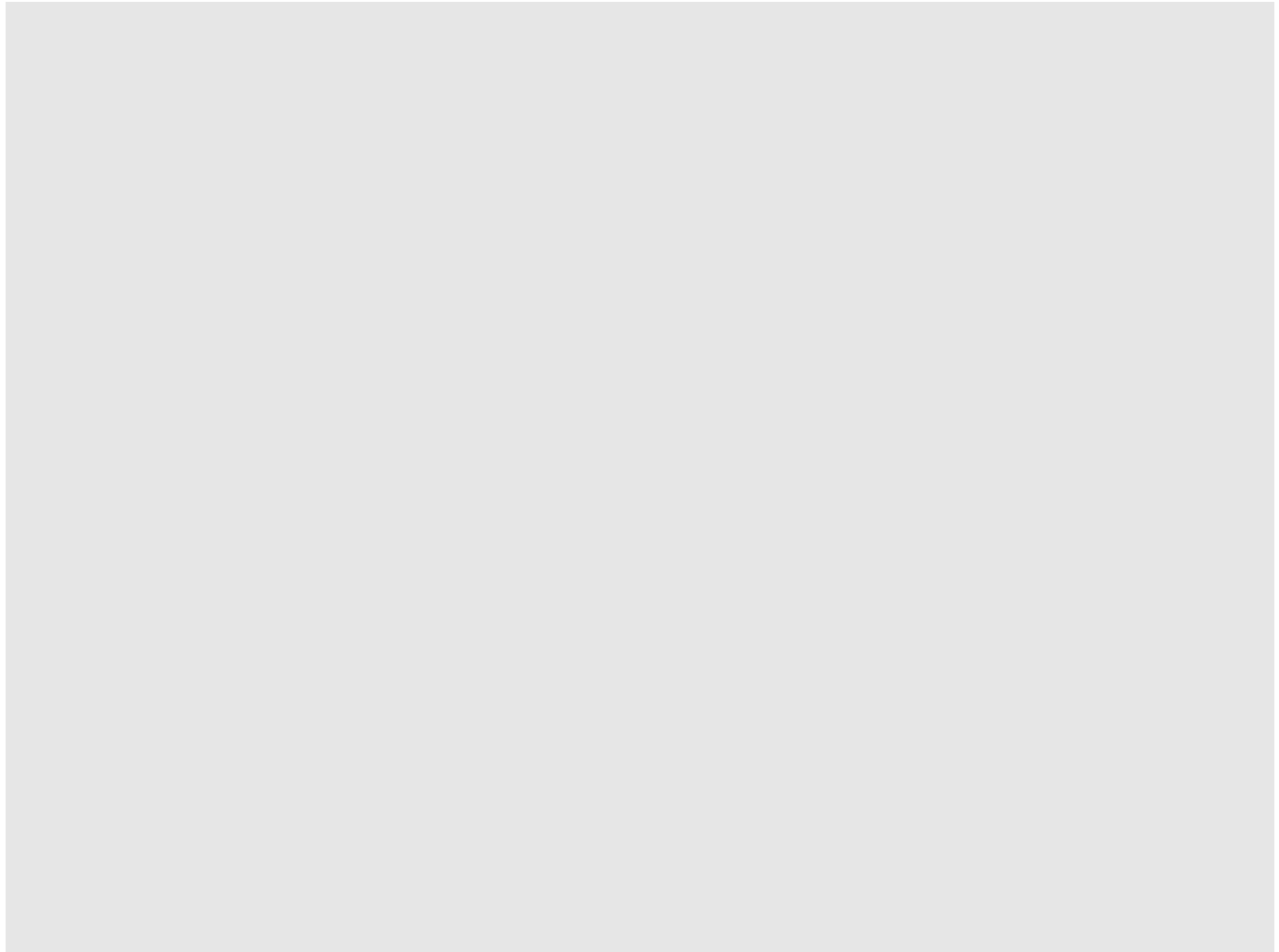
Attorney Steven M. Cohen, who is representing Gerace in a libel and defamation lawsuit against his ex-wife, said **Michalski did not hesitate to free Lynn M. Dejac** when her murder conviction for killing her 13-year-old daughter was overturned based on DNA evidence.

Dejac had already served 13 ½ years. Prosecutors planned to try her again. But Michalski released her from prison without bail in late 2007. Eventually the District Attorney's Office decided against a new trial after two forensic pathologists determined Dejac's daughter did not die from manual strangulation.

"Judge Michalski was the only one who had the guts to open up the jail cell when Detective Dennis Delano presented the DNA evidence that Lynn was innocent," said Cohen, who represented Dejac in a civil suit for wrongful incarceration.

Former Gov. David A. Paterson – a Democrat – reappointed Michalski in May 2009 to a full nine-year term on the Court of Claims. Michalski was again reappointed in 2018 to the \$210,900 a year job by Democratic Gov. Andrew A. Cuomo.

Now, as the judge recovers at home from the freight train injury, he has come under scrutiny not only of federal agents, but the Judicial Conduct Commission, the agency that investigates allegations of misconduct by state judges.



Katrina Nigro is the ex-wife of Peter G. Gerace Jr., the owner of the Pharaoh's Gentlemen's Club in Cheektowaga. She says she has testified to a federal grand jury about Gerace and organized crime.

Sharon Cantillon/Buffalo News

The investigations

Katrina Nigro, the former wife of Gerace, says she is cooperating with federal agents and prosecutors in their investigation into organized crime and has told them about her ex-husband's friendship with Michalski.

That includes a \$5,000 payment that Nigro says Gerace gave to Michalski for performing their marriage – above the state's \$100 wedding fee limit for judges. Gerace denied paying Michalski that much.

Lana, the attorney who is helping Michalski, said he is not aware of any illegal dealings between Gerace and the judge.

A spokesman for the Commission on Judicial Conduct declined to comment when asked if the commission is investigating Michalski.

Good wishes for Michalski

In the dozens of interviews conducted by The News on the judge, only Nigro voiced any criticism of him. Nigro said Michalski should not have performed the marriage to Gerace because she was highly intoxicated at the time. She also said Michalski granted a waiver of the required 24-hour waiting period after their marriage license was issued under false pretenses after Gerace claimed he needed some surgery.

But Nigro also had some positive comments on the judge, recalling an evening when she and Gerace went to dinner with the judge and his wife.

“I could see he really loved his wife,” Nigro said.

The incident with the train astonishes and upsets many people who know Michalski. Terranova said he is still having a tough time coming to grips with it.

“Out of all the people I have met in the local legal community over the past 42 years,” Terranova said, “John would be one of the very last people I’d expect to lie down in the path of a freight train.”

By Lou Michel

reporter

By Dan Herbeck

News reporter, Watchdog Team

https://buffalonews.com/news/local/crime-and-courts/gm-of-pharaohs-strip-club-is-leader-of-international-biker-club-prosecutor-says/article_9d96af76-9edd-11eb-a86a-53f753081cb5.html

GM of Pharaoh's strip club is leader of international biker club, prosecutor says

Dan Herbeck , Lou Michel

Apr 20, 2021



Law enforcement officer outside Pharaoh's Gentlemen's Club on Aero Drive in Cheektowaga during a December 2019 raid.

Buffalo News file photo

Dan Herbeck , Lou Michel

The general manager of a Cheektowaga strip club, which authorities call a haven for drug dealing and sex trafficking, is the international leader of the Outlaws Motorcycle Club, according to a federal prosecutor.

On Thursday, a federal judge ruled that indicted Pharaoh's Gentlemen's Club owner Peter G. Gerace Jr. can return to work at his nightclub, over the objections of the prosecutor.

Gerace had been barred from entering the club since his arrest Feb. 28 on charges of bribing a DEA agent, drug trafficking and sex trafficking.

Gerace's general manager at the club is John Ermin, the international president of the Outlaws Motorcycle Club, which law enforcement has linked for decades to crimes throughout North America, Assistant U.S. Attorney Joseph M. Tripi said in court papers filed in Gerace's case. He added that "several Outlaws MC members are employed at Pharaoh's."

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"Law enforcement considers the Outlaws MC to be a dangerous and violent criminal organization, and there have historically been a myriad of Outlaws MC prosecutions nationally ... including a murder at a strip club," Tripi wrote.

Prosecutor: John Ermin is international president of the Outlaws Motorcycle Club (p. 10).

⁷ John Ermin is a leader and international president of the Outlaws Motorcycle Club, and several Outlaws MC members are employed at Pharaoh's. See Second Superseding Indictment, Introduction at ¶4. Law enforcement considers the Outlaws MC to be a dangerous and violent criminal organization, and there have historically been a myriad of Outlaws MC prosecutions nationally. See, e.g., United States v. Starrett, 55 F.3d 1525, 1533 (11th Cir. 1995) ("The Outlaw Motorcycle Club (the "Outlaws") is one of the four largest national 'one-percenter' motorcycle clubs. Witnesses testified that the term 'one-percenter'—usually depicted by the symbol '1% er'—is motorcycle gang parlance meaning that the club is comprised of the one percent of the overall biker population who maintain total independence from society, and who are known to cause the most trouble, or 'raise the most hell.'"); see also United States v. Bowman, 302 F.3d 1228, 1231 (11th Cir. 2002) (former international president of the Outlaws convicted of racketeering, conspiracy to murder, and various other offenses); United States v. Lawson, 535 F.3d 434, 438 (6th Cir. 2008), as amended (Oct. 9, 2008) (RICO prosecution relating to Outlaws MC "Green Region", including a murder at a strip club.).

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Tripi's court filings did not provide further details about the Outlaws' role at Pharaoh's, and the prosecutor declined to discuss Pharaoh's or the biker club with a Buffalo News reporter.

Ermin, 51, of Lancaster, declined to comment on Pharaoh's or the Outlaws during two brief telephone conversations with The News.

John Ermin identifies himself as general manager of Pharaoh's (p. 1).

I, JOHN ERMIN, do hereby declare, pursuant to 28 U.S.C. §1746, as follows:

1. For the past five years, I have worked as General Manager of Pharaoh's Gentlemen's Club located at 999 Aero Drive in Cheektowaga, New York. As such, my normal hours at work at 11:00 a.m. until 8:30 p.m.

[View the entire document with DocumentCloud](#)

Ermin and "one or two other" Outlaws do work at Pharaoh's, but they are not involved in criminal activity, Gerace's attorney, Joel L. Daniels, told The News.

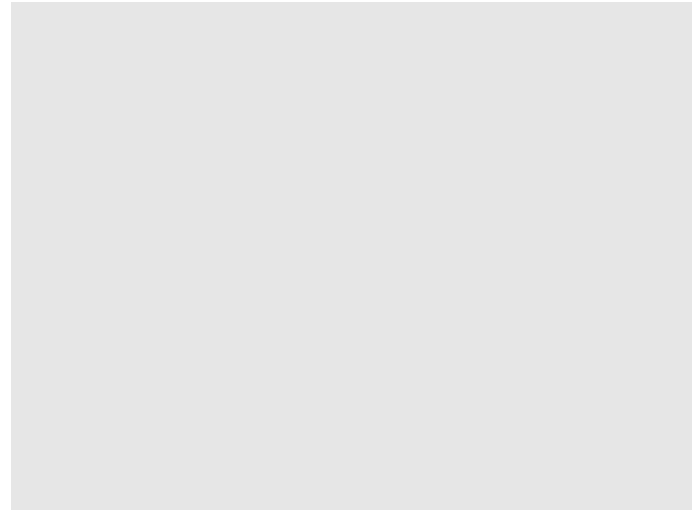
"John Ermin is the day manager at Pharaoh's. He's been there about eight years and is a solid, trusted employee. He's a hard worker who is not making any kind of trouble," Daniels said.

When asked about government allegations of drug dealing and sex trafficking in the club, Daniels said, “Zero. You can file that in the federal government’s rumor mill.”

Organized crime investigation

Gerace, 53, of Clarence, was arrested while on a Florida vacation. He pleaded not guilty to felony counts of conspiracy to defraud the United States; paying bribes to a former federal drug agent; maintaining a drug-involved premises; conspiracy to distribute controlled substances; and conspiracy to commit sex trafficking.

The case against Gerace stems from **an ongoing government probe into alleged organized crime** in the Buffalo area. Gerace is the nephew of the man who prosecutors say runs the Buffalo Mafia, although they’ve never proven that in court.



Peter G. Gerace Jr. will remain in custody until his August trial.

Photo courtesy of the Broward County Sheriff’s Office



Read the full story from News Staff Reporters Lou Michel and Dan Herbeck

Ellen Przepasniak

On the same day Gerace was arrested, State Supreme Court Justice John L. Michalski lay down in front of a moving freight train, according to sources. That happened about a week after federal **agents questioned the judge about his friendship with Gerace**. Michalski is recovering from a leg injury.

The investigation has also resulted in indictments against former **DEA agent Joseph Bongiovanni**, Buffalo **teacher Michael Masechia**, who admitted selling drugs, and **Joseph Bella**, who is charged with committing fraud while selling Covid-19 test kits at inflated prices.

After Gerace's arrest, a federal magistrate judge released him from custody but prohibited him from setting foot in Pharaoh's.

But at Daniels' request, U.S. District Judge John L. Sinatra Jr. modified those restrictions on Wednesday, granting Gerace permission to spend three hours a day in his workplace. Gerace can go to the nightclub he owns every day from 7:30 a.m. until 10:30 a.m. while he awaits his trial.

The judge said Gerace can take care of banking, writing checks and ordering food and beverages for the nightclub.

"We think this was a very reasonable ruling by the judge," Daniels told The News.

"Peter is allowed to be at Pharaoh's from 7:30 until 10:30 each morning. The place opens at noon. The only person allowed to be in Pharaoh's while Peter is there is a cleaning woman who has to be preapproved by the U.S. Probation Office."

The general manager

Known to friends by the nickname "Tommy O," Ermin was described as a law-abiding man and devoted father by George V.C. Muscato, the attorney who represented him after Ermin and three other men were arrested by Lancaster police following a barroom altercation 11 years ago.

Lancaster police identified all four men as members of the Outlaws, accusing them of “punching, kicking and stomping” a man in a bar on Central Avenue.

Ermin was initially charged with felony assault after the April 2010 arrest, but the charge was later reduced to a misdemeanor, and Ermin ultimately pleaded guilty to a noncriminal violation of disorderly conduct, the Erie County District Attorney's Office said. A Village of Lancaster judge sentenced Ermin to perform 30 hours of community service.

Muscato described the incident as “an ordinary barroom brawl” that erupted after a woman asked Ermin to give her a ride on his motorcycle.

“To my knowledge, this was the only brush Tommy has ever had with the law. To my knowledge, he has no criminal record,” Muscato said. “He’s a very interesting guy who graduated from an elite art college in Pittsburgh and lost part of his leg in a horrible motorcycle accident that was not his fault. His wife was killed when a car crossed the center line and hit Tommy’s bike.”

Muscato said he did not know what position Ermin holds with the Outlaws.

But one person who said he was aware of Ermin’s leadership position is Steve Cook, a police officer from Missouri who is executive director of the **Midwest Outlaw Motorcycle Gang Investigators Association**.

The Outlaws, founded near Chicago in the 1930s, are one of the biggest and most dangerous biker gangs in the world, said Cook, who lectures police agencies all over America about the gangs.

“Tommy O is a mover and shaker in the biker world,” Cook said. “He’s a leader of what I would describe as an international criminal syndicate that has chapters all over the world.”

A violent history

Over the decades, police linked members of the Outlaws to violent incidents all over the United States, including a September 1994 brawl and **shootout that killed two bikers during a motorcycle event at the Lancaster Speedway.**

More than 100 shots were fired during the speedway fracas, police said, noting that guns, knives, brass knuckles, ax handles and other weapons were found at the scene. Police said some of the bikers wore bulletproof vests. A Buffalo leader of the Outlaws and a Rochester leader of the rival Hells Angels were killed.

In the early 1990s, several local Outlaws – including the man who was then the president of the Buffalo chapter – were convicted of drug trafficking crimes at Buffalo's federal court.

The U.S. Justice Department identified the Outlaws as a dangerous organization in a 2015 report on gang violence in America. The government report said some Outlaws engage in criminal activities, including drug trafficking, homicide, arson, assault, prostitution, robbery, theft, explosives, extortion, fraud, intimidation, kidnapping and money laundering.

One of the most famous Outlaws – former international president **Harry “Taco” Bowman** – was sent to prison for life in 2001, after he was convicted of murdering rival bikers, fire bombings and other racketeering crimes. Bowman, who **traveled to Buffalo to lead a funeral procession** after the Lancaster Speedway murders, died in federal prison in 2019.

Another former international president of the club, **James “Frank” Wheeler**, was sentenced to a federal prison term in 2004 after he and 10 other Ohio Outlaws were convicted of racketeering in Toledo.

Earlier this month, Ontario Provincial Police in Brantford announced the arrests of 10 people on firearms and drug charges. Police said the arrests followed an eight-month investigation into criminal activities by the Outlaws and three other “criminal networks.”

Ex-Pharaoh's worker tells of Outlaws

A former employee of Pharaoh's told The News that as many as 30 members of the Outlaws were sometimes present for Wednesday night events the bikers called "church." The word "church," according to motorcycle club jargon, refers to meetings of its members.

"The Outlaws scared off other customers," said the former employee, who expressed her own fear of the Outlaws and spoke on the condition that her name would not be published.

The indictment of Gerace accuses him of operating Pharaoh's as a drug-involved premise and maintaining it for the purpose of distributing a variety of drugs there, to facilitate prostitution and to provide drugs to employees in exchange for sex. Although the indictment mentions that he employed members of the Outlaws at Pharaoh's, it does not accuse any Outlaws of drug or sex trafficking.

Daniels said the Outlaws are not involved in drug-dealing, sex crimes or any other crimes at Pharaoh's.

Asked about the 1994 Lancaster shootout and drug convictions against local Outlaws, Daniels noted that those incidents took place more than 25 years ago. "Ancient history," the defense attorney said. "None of these things has anything to do with Pharaoh's."

Gerace denies crimes in bar

Gerace told The News last month that the charges of drug sales and sex trafficking at Pharaoh's were untrue.

"I make so much money here that I'd be an idiot to do something illegal," Gerace said, referring to Pharaoh's.

According to Daniels, the Cheektowaga club has more than 100 employees, including some part-timers. He said Gerace spends \$5,000 to \$10,000 each week on beer, wine and alcohol, and another \$4,000 to \$5,000 on chicken wings, steaks, turkey breasts and other food supplies for patrons.

Gerace, who returned to work at Pharaoh's on Thursday, told The News he was gratified by Sinatra's ruling. When asked about the Outlaws, he referred a reporter to Daniels.

"We are supposed to be innocent until proven guilty," Gerace said.

By Dan Herbeck

News reporter, Watchdog Team

By Lou Michel

reporter

https://buffalonews.com/opinion/letters/letter-compassion-is-appropriate-for-judge-s-public-dilemma/article_0a86a6b8-a14f-11eb-aa93-bfb438fe2986.html

Letter: Compassion is appropriate for judge's public dilemma

Apr 22, 2021

Thanks to Lou Michel and Dan Herbeck for their humane **article** on Judge John Michalski ("Judge's dangerous encounter with train astonishes those who know him" April 12), which left out only one word that also characterizes a properly well-regarded lawyer and judge: Kind. Having known him as a lawyer and Judge, I think he treats everyone with kindness and compassion.

We've known for decades that the legal profession has a remarkable rate of depression and suicide. A 2016 survey of more than 12,000 active judges and lawyers from 19 states found nearly four times the rate of reported past-year depression, and more. (P.R. Krill, R. Johnson, and L. Albert, "The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys" 10 J. Addiction Med. 46 (2016). See also, "Lawyer Suicides Are Becoming All Too Frequent," Jill Switzer, Above the Law. Accessed on July 9, 2019; and "Why Are Lawyers Killing Themselves?" Rosa Flores and Rose Marie Arce, CNN, Jan. 10, 2014). We were saddened by the local suicide just two years ago of a law student just getting started in the law. ("Buffalo Law Student Dies from Suicide: Family Establishes Mental Health Fund, Christine Simmons," June 3, 2019, NY Law Journal).

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I hope The News article prompts judges and lawyers to get help. Erie County and NYS Bar associations have confidential help available to lawyers and lawyers and judges.

Eric Doherty, Esq.

Lake View

https://buffalonews.com/news/local/crime-and-courts/former-buffalo-police-commissioner-linked-to-2006-letter-seeking-leniency-for-peter-gerace/article_e49d8b82-af64-11eb-8988-434c81ab5492.html

Former Buffalo police commissioner linked to 2006 letter seeking leniency for Peter Gerace

Dan Herbeck

May 13, 2021



When he was a Buffalo Police deputy commissioner, Daniel Derenda and his wife sent a letter in 2006 to a judge seeking leniency for Peter G. Gerace Jr., who was awaiting sentencing on a felony wire fraud charge related to his telemarketing business. Gerace, the owner of a Cheektowaga strip club, is now **facing charges** of bribing a federal Drug Enforcement Administration agent, drug trafficking and sex trafficking.

Buffalo News file photo

Dan Herbeck

A high-ranking Buffalo Police official and his wife sent a letter to a federal judge in 2006, seeking a lenient sentence for Peter G. Gerace Jr., who pleaded guilty to a felony in a telemarketing fraud case, court records show.

The April 21, 2006 letter – describing Gerace as a close friend for 18 years – was signed "Michelle and Dan Derenda."

At the time the letter was written, Derenda was a deputy police commissioner. He was appointed the city's police commissioner in 2010, a post he held until he retired in January 2018.

"My husband being a police officer and myself being a registered nurse ... it's important to surround ourselves and our family with good people," stated the letter, signed in one person's handwriting as "Michelle and Dan Derenda."

The letter described Gerace as a "considerate," "respectful" and "hardworking businessman" who "certainly poses no threat to society."

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Gerace, 53, of Clarence, served five months in federal prison after the telemarketing fraud conviction, but now, he is back in trouble again.

The owner of the Pharaoh's Gentlemen's Club is now accused of felony charges of **bribing a federal drug investigator**, conspiracy to traffic in drugs and conspiracy to commit sex trafficking, in connection with activity that allegedly took place in the Cheektowaga strip club. He denies the allegations.

The charges against Gerace are part of a **federal investigation of alleged organized crime** in the Buffalo area. Gerace has denied any involvement with organized crime. He is a nephew of Joseph A. Todaro, whom law enforcement officials have identified as the leader of Buffalo's Mafia organization. Todaro denies the allegation.

Peter G. Gerace Jr. will remain in custody until his August trial.

Photo courtesy of the Broward County Sheriff's Office



Read the full story from News Staff Reporters Lou Michel and Dan Herbeck

Ellen Przepasniak

Was it appropriate for a deputy police commissioner to ask a judge to give a break to a man who used telemarketing to cheat senior citizens and others?

“All I’m going to tell you is that I don’t recall this letter. I’m just not going to say anything else about it,” Derenda told The News.

The News also raised the question with retired federal prosecutor Anthony M. Bruce, who brought the case against Gerace and a co-defendant.

“The only thing I see as inappropriate is that the letter identifies him as a police officer,” Bruce said. “Other than that, I have no problem with him or his wife writing a letter to support a family friend.”

As a criminal prosecutor specializing in organized crime cases for 38 years, Bruce said he read letters of support for convicted criminals written by people from many different walks of life.

He added that Derenda’s letter was the only one he ever recalls being written by a police officer in active service.

“I will also tell you that Derenda’s name never came up in any way in the investigation,” Bruce said. “In fact, I worked with him on several cases over the years, and I remember him as a very good police commissioner. He had the good of the community in mind, and he was very proactive about working with federal law enforcement on gang violence cases.”

Attorney Paul J. Cambria, who represented Gerace in the telemarketing case, said there was nothing inappropriate about the Derenda letter.

“I see no problem with it, and I don’t think it’s a big deal,” Cambria said.

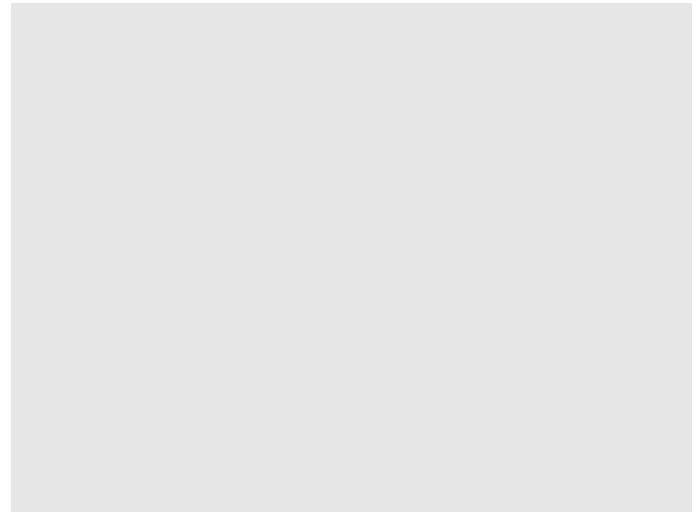
The Derendas' letter has been available for public view since it was filed more than 16 years ago. It was recently discovered by a staffer from The News while examining cases filed against Gerace.

Who else wrote letters?

According to court records in the telemarketing fraud case, the Derendas were two of 14 people who submitted letters supporting Gerace to District Judge William M. Skretny, the sentencing judge.

Most of the others who wrote letters were family members, co-workers, friends or business associates of Gerace. One of the letters was written by State Supreme Court Judge John L. Michalski, who was then a lawyer in private practice.

Michalski called Gerace a longtime friend and client who was a hardworking businessman and “fantastic” father. He also described Gerace as a man who made mistakes in his life but was sorry for his mistakes and posed no danger to the community.



Michalski has been sidelined from duty in the courts since Feb. 28, when he suffered a severe leg injury when **he was struck by a freight train** in Depew.

Judge John L. Michalski.

Harry Scull Jr.

The train incident happened about a week after **FBI agents had questioned Michalski** about his friendship with Gerace.

Another letter supporting Gerace was sent to Skretny by the late Rev. Joseph F. Moreno Jr., a popular Buffalo priest who died in a Buffalo church rectory on Oct. 13, 2012, shortly before he was scheduled to celebrate a Mass.

Buffalo Police concluded that Moreno died of a self-inflicted gunshot, but **his family disputes that**, alleging that he was murdered.

Gerace pleaded guilty to a felony charge of conspiracy to commit wire fraud. In June 2006, Skretny gave Gerace a break by sending him to prison for five months. Federal sentencing guidelines, which are advisory, suggested a prison term of eight to 12 months.

Skretny also ordered Gerace to be on supervised release for three years after completing his prison time. The judge also directed Gerace and a co-defendant to pay \$271,928 restitution to victims they had defrauded.

Bruce said a company run by Gerace cheated unsophisticated people – mostly senior citizens – by calling them on the phone and falsely telling them they had won a new car. Callers convinced victims that they would have to send money to the telemarketing company in order to receive the car.

The News asked a Buffalo Police spokesman if there is any regulation that prohibits city officers from writing letters of support for people facing criminal sentencings. As of Wednesday afternoon, the spokesman had not provided an answer.



“From my understanding, the only thing that is prohibited is writing the letter on paper with a Buffalo Police letterhead,” John Evans, president of the Buffalo Police Benevolent Association, told The News. “I have never seen any officer get into trouble for writing a letter like that.”

Evans, a police officer for almost 20 years, said he would probably write such a letter if a friend or family member was facing jail time.



But it would depend on the seriousness of the crime involved, Evans added.




Derenda letter for Gerace leniency

Contributed by Mike McAndrew



Document

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By Dan Herbeck

News reporter, Watchdog Team

https://buffalonews.com/online/good-morning-buffalo-former-buffalo-police-commissioner-linked-to-2006-letter-seeking-leniency-for-peter/article_c8daea16-b383-11eb-aea3-f399f0312872.html

Good Morning, Buffalo: Former Buffalo police commissioner linked to 2006 letter seeking leniency for Peter Gerace

May 13, 2021

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OMPILED BY BEN TSUJIMOTO

May 13, 2021



When he was a Buffalo Police deputy commissioner, Daniel Derenda and his wife sent a letter in 2006 to a judge seeking lenience for Peter G. Gerace Jr., who was awaiting sentencing on a felony wire fraud charge related to his telemarketing business. Gerace, the owner of a Cheektowaga strip club, is now **facing charges** of bribing a federal Drug Enforcement Administration agent, drug trafficking and sex trafficking.

Buffalo News file photo

**Relieving unexplained
chest pain. And the worry.**

Former Buffalo police commissioner linked to 2006 letter seeking leniency for Peter Gerace

In 2006, a letter attributed to Deputy Police Commissioner Daniel Derenda and his wife asked a federal judge to grant leniency to Peter Gerace Jr., who had pleaded guilty to telemarketing fraud crimes and was awaiting sentencing.

Derenda later became Buffalo's police commissioner. He told The Buffalo News last week that he doesn't remember anything about the letter, which is part of Gerace's file in U.S. District Court.

Gerace, owner of a Cheektowaga strip club, now faces new charges of drug trafficking and sex trafficking. The 2006 letter – which has no connection to the current charges against Gerace – is discussed in today's edition of The Buffalo News.

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– *Dan Herbeck*

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“Installing a tile backsplash may seem like an intimidating task to take on, but I’m here to tell you that if I can do it six months pregnant, you can do it too!” – Jackie Hausler of haus2home shares tips and steps for a DIY kitchen backsplash. **Check out the latest installment of Project Renew >>**

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COVID-19 COVERAGE

The incentives keep coming to win over the unvaccinated. Will they be enough?: If free beer isn't enough, Western New Yorkers who haven't gotten the Covid-19 vaccine yet can get a free Buffalo Bisons ticket or a week's worth of rides on the Metro rail and bus system as a sweetener. Gov. Andrew M. Cuomo on Wednesday announced this latest effort to get doses to the vaccine-hesitant by making it easier to access and by offering incentives for those who show up. **Read more**

Vaccine a 'game changer' for the disabled, including those in group homes: The risk in New York State that someone with an intellectual and developmental disability will die from Covid-19 is 2.5 times higher than in the overall population. Agencies that serve them in the Buffalo Niagara region have joined forces to ensure that vaccinations have been made available in recent weeks to dramatically lower that risk. **Read more**

*[More: Stay up to date with Covid-19 in WNY with The News' **maps and statistics**]*

WHAT WE'RE TALKING ABOUT

Olean man with autism missing since May 2 called a 'gentle giant' by his father: Cole Geise, 22, who has autism, liked to walk around Olean all day long but always returned to his family's home by 10 p.m. But he didn't return May 2. "He is a gentle giant," his father, Steve Geise, told The Buffalo News on Wednesday. "He wouldn't hurt a fly." **Read more**

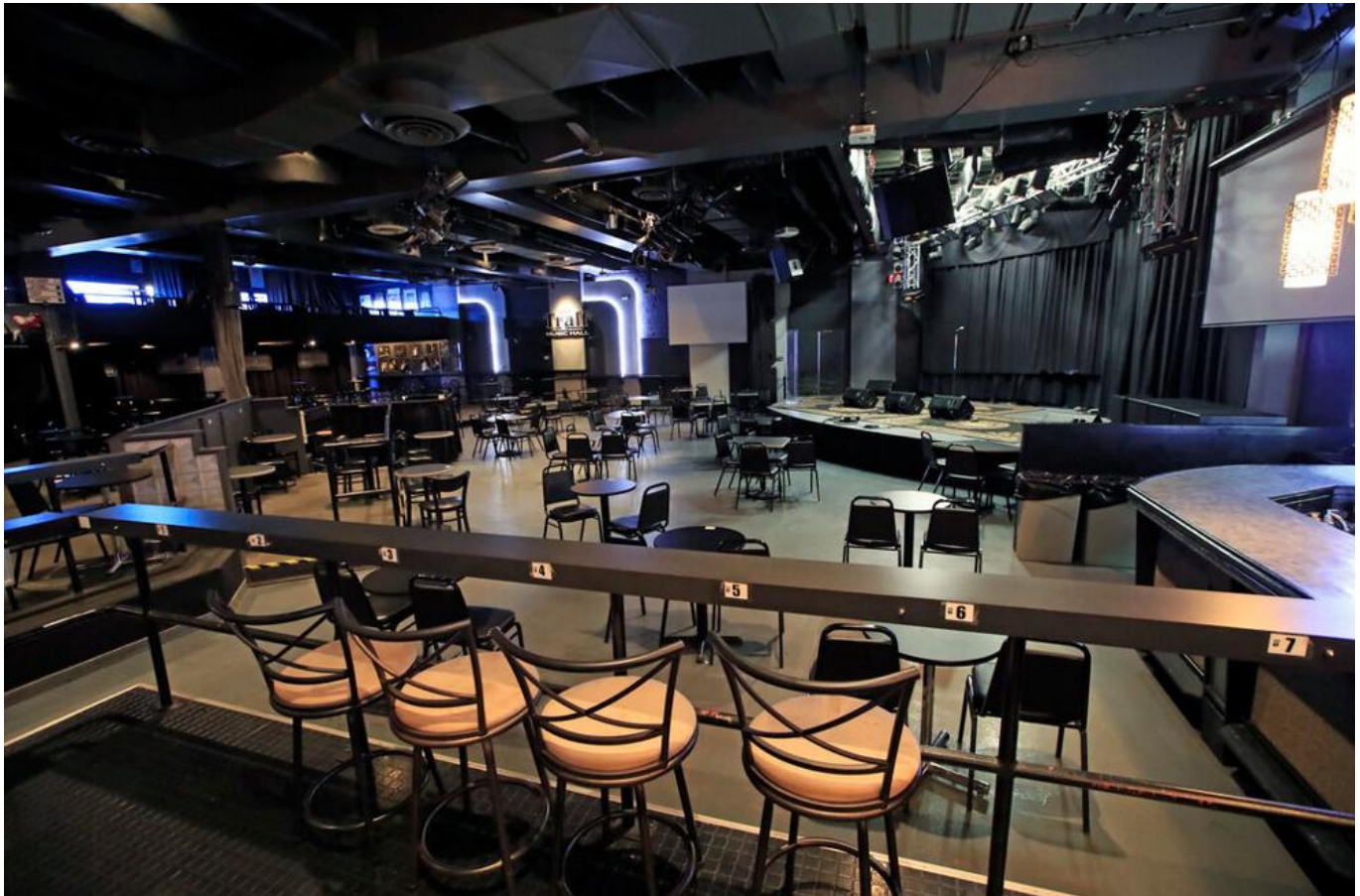
Rod Watson: Direct democracy is Buffalo's route to real police reform: If a coalition of good-government and civil rights groups get their way, city residents will get the chance to vote to implement a civilian review board with real teeth to

oversee and, when necessary, discipline cops who abuse their authority – just as Buffalo’s Police Advisory Board recommended nearly a year ago. **Read more**

Holland School Board member arrested on rape charge involving 16-year-old victim: Scott R. Wander, 46, of Holland, was charged with third-degree rape, forcible touching, endangering the welfare of a child, first-degree unlawfully dealing with a child and sexual misconduct stemming from an incident in June 2020 in Allegany County. **Read more**

WEATHER

Don Paul: Weekend looks dry as seasonable temperatures return to WNY: Daytime highs will move into the mid-60s Thursday and Friday inland, and a little cooler near the lake shores. Winds will be fairly light as well, making it feel milder than it has since early May. **Read more**



Jeff Miers writes about the impact of Tralf Music Hall, which left its mark as a concert venue – and could still have a future at a different location.

Harry Scull Jr. / Buffalo News

Farewell for now, to the consecrated ground of the Tralf Music Hall

For more than four decades, under various ownerships – including a stint by jazz legend Bobby Militello and most recently, a 15-year stretch overseen by veteran concert promoter Tom Barone – the Tralf Music Hall was the standard bearer. Music clubs that sprung up in its wake knew it was the Tralf they were measuring themselves against.

Fond memories – and the musical and emotional education that accompanied them – were abundant. One example: The building hosted the legendary Prince aftershow on March 8, 2002 – when the late genius took over the club following an appearance at Shea's Performing Arts Center and brought along friends Maceo Parker and Larry Graham for a funky 1 to 3 a.m. throwdown for roughly 100 of us, blessed souls all. To think of that space being converted into apartments is to entertain sacrilege.

– *Jeff Miers*

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POLITICS

SAFE Act enforcement emerges as key issue in Erie County sheriff

race: As several candidates spar over enforcing the strict gun control law known as the SAFE Act, a major pro-Second Amendment group is assailing endorsed Republican Karen L. Healy-Case. Its president says she called for tougher gun laws as a Buffalo Police Department lieutenant, while promising "non-enforcement" of certain SAFE Act mandates as a candidate. **Read more**

Astorino stalks 'politically wounded' Cuomo in second campaign for

governor: Republican Rob Astorino is no stranger to Buffalo. The former Westchester County executive mounted a strong challenge to Gov. Andrew M. Cuomo

in 2014 and landed here again Wednesday to kick off another campaign for governor in 2022. But he faces stiff competition for the GOP nod from Rep. Lee Zeldin of Suffolk County, and is ready to face that challenge as well as a "politically wounded" Cuomo – or any other Democratic candidate for governor. **Read more**

BILLS

Observations on the Bills' 2021 schedule, with upsides, downsides and over-unders: "Just like the days when the Bills had Jim Kelly, the single most important question in assessing the schedule is: How many games do the Bills have the advantage at quarterback?," writes Mark Gaughan. **Read more**

Game-by-game predictions: Charting the Bills' path back to the postseason: Jay Skurski breaks down every game of the Buffalo Bills' 2021 schedule and shares his predictions for each game. **Read more**

SABRES

Harrington: As weird saga unfolds, Sabres go on offense against Jack Eichel: "Jack Eichel and his camp have made some gross miscalculations this week and the Sabres, believe it or not, have a much bigger leg to stand on," Mike Harrington writes. While General Manager Kevyn Adams asked tough questions of the Sabres' medical staff in his exit interview, the potential for an experimental surgery to treat the herniated disk in Eichel's neck is understandably being fought by the team. **Read more**

As coaching search begins, Don Granato reaffirms desire to lead Sabres: Granato, tabbed the interim coach after Ralph Krueger's firing, reaffirmed his desire to lead the franchise next season. The 53-year-old coached the Sabres to a 9-16-3 record, including one game he missed because of a false positive Covid-19 test. But the team showed gradual improvement under the interim coach, Lance Lysowski writes. **Read more**

WITH YOUR MORNING COFFEE

- Buffalo writer and Nichols School alum **Nick Bakay** talked to Alan Pergament about the **surprise decision to end "Mom"** on CBS, the comedy he's run with Gemma Baker over the last eight years. "I think we had more years in us, for sure. And we had an amazing team top to bottom. I hate seeing that go away because that doesn't grow on trees," Bakay said.
- While Buffalo's summer concert calendar will likely be abnormal again this year, some **quality virtual concerts** are worth considering. News contributor **Max Kalnitz mentions several**, including Flock of Dimes and ESSENCE Festival of Culture.
- **Mats for a Mission**, a Buffalo organization that crochets sleeping bags for the homeless out of recycled plastic bags, has surpassed 500 mats created and distributed, **Spectrum News reports**. The average sleeping bag requires 750 plastic bags and 50 hours of crocheting, organizer Gail Potter told the station.
- Chelsea Ellis, the **Buffalo woman struck by a police cruiser** a year ago, was interviewed for the first time since the pedestrian crash that left her quadriplegic and reliant on a ventilator to breathe. **WIVB's Kelsey Anderson** learned about Ellis' attitude of forgiveness and selflessness, as well as her hopes for the future.

Have thoughts on the Good Morning, Buffalo newsletter? Email **feedback@buffnews.com**.

https://buffalonews.com/news/local/crime-and-courts/judge-keeps-search-warrant-applications-sealed-in-buffalo-organized-crime-case/article_6e6e9f50-d91c-11eb-bbe0-d384aec4fcd0.html

Judge keeps search warrant applications sealed in Buffalo organized crime case

Lou Michel

Jun 29, 2021



Retired Drug Enforcement Administration agent Joseph Bongiovanni drives a vintage car he restored. Bongiovanni was arrested in 2019 on felony charges that accuse him of accepting \$250,000 in bribes and using his position in the DEA to help Buffalo drug dealers, including some connected to organized crime, avoid arrest. His attorney says the feds have no evidence that Bongiovanni took bribes and that the classic car is Bongiovanni's "only uniquely prized possession."

Provided photo

Lou Michel

Citing government concerns of possible witness intimidation, a judge refused Tuesday to unseal federal agents' requests for warrants to search the homes, computers and phones of a former DEA agent and the Cheektowaga strip club owner who is accused of bribing him.

U.S. Magistrate Judge Michael J. Roemer sided with Assistant U.S. Attorney Joseph M. Tripi's arguments that if the applications for the search warrants were released it would identify and put at risk more than a dozen government witnesses in the ongoing organized crime investigation and upcoming trial of the two defendants.

Pharaoh's owner charged with bribing DEA agent as feds investigate Buffalo Mafia

Lawyers for **retired U.S. Drug Enforcement Administration agent Joseph Bongiovanni**, who is accused of accepting \$250,000 in bribes from drug dealers associated with organized crime, including Cheektowaga strip club owner **Peter G. Gerace Jr.**, said unsealing the applications was necessary to build a defense.

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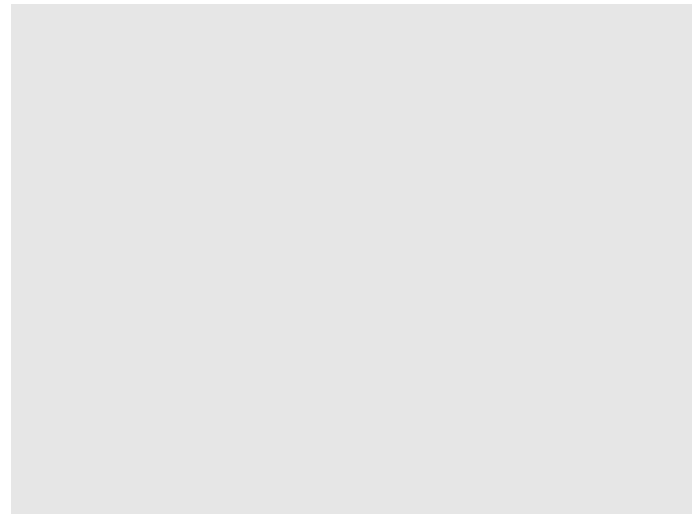
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-

Gerace, who is also charged with sex and drug trafficking at his Pharaoh's Gentlemen's Club, is identified by prosecutors as the nephew of the man who runs the Buffalo Mafia.

Agents in 2019 searched Bongiovanni's Town of Tonawanda residence and Gerace's business and his Clarence home, and earlier this year they seized Gerace's phone.

Bongiovanni, who did not attend the hearing, and Gerace have pleaded not guilty to the charges. Gerace was present in the Buffalo courtroom with his attorneys Joseph M. LaTona and Joel L. Daniels.



Peter G. Gerace Jr. will remain in custody until his August trial.

Photo courtesy of the Broward County Sheriff's Office

With guns drawn, feds told ex-DEA agent: 'Tell us all about the Mafia'

Unsealing the search warrants, Tripi argued, would not only open the door to potential witness intimidation, but create reluctance among witnesses to testify.

“We’ll struggle later to get these witnesses to take the stand,” he said.

Attorney James P. Harrington, who represents Bongiovanni, said the prosecution intentionally wrote the search warrant applications in a manner that provides grounds for keeping them sealed and, therefore, deprives defendants of making a stronger case against the allegations.

“Did you need twelve sources to search someone’s house?” Harrington said of the witnesses listed in the Bongiovanni search warrant.

Is the mob back? Feds probe Buffalo Mafia after calling it all but dead

Addressing Roemer, Harrington said, “There may be a single page or single sentence in the search warrant documents that could lead to a suppression motion on evidence.”

LaTona told Roemer that the government’s claim that the ongoing investigation could be jeopardized was invalid.

“They’ve had ample opportunity to interview anybody and put them in the grand jury,” LaTona said. “You know, judge, it just doesn’t fly at this stage.”

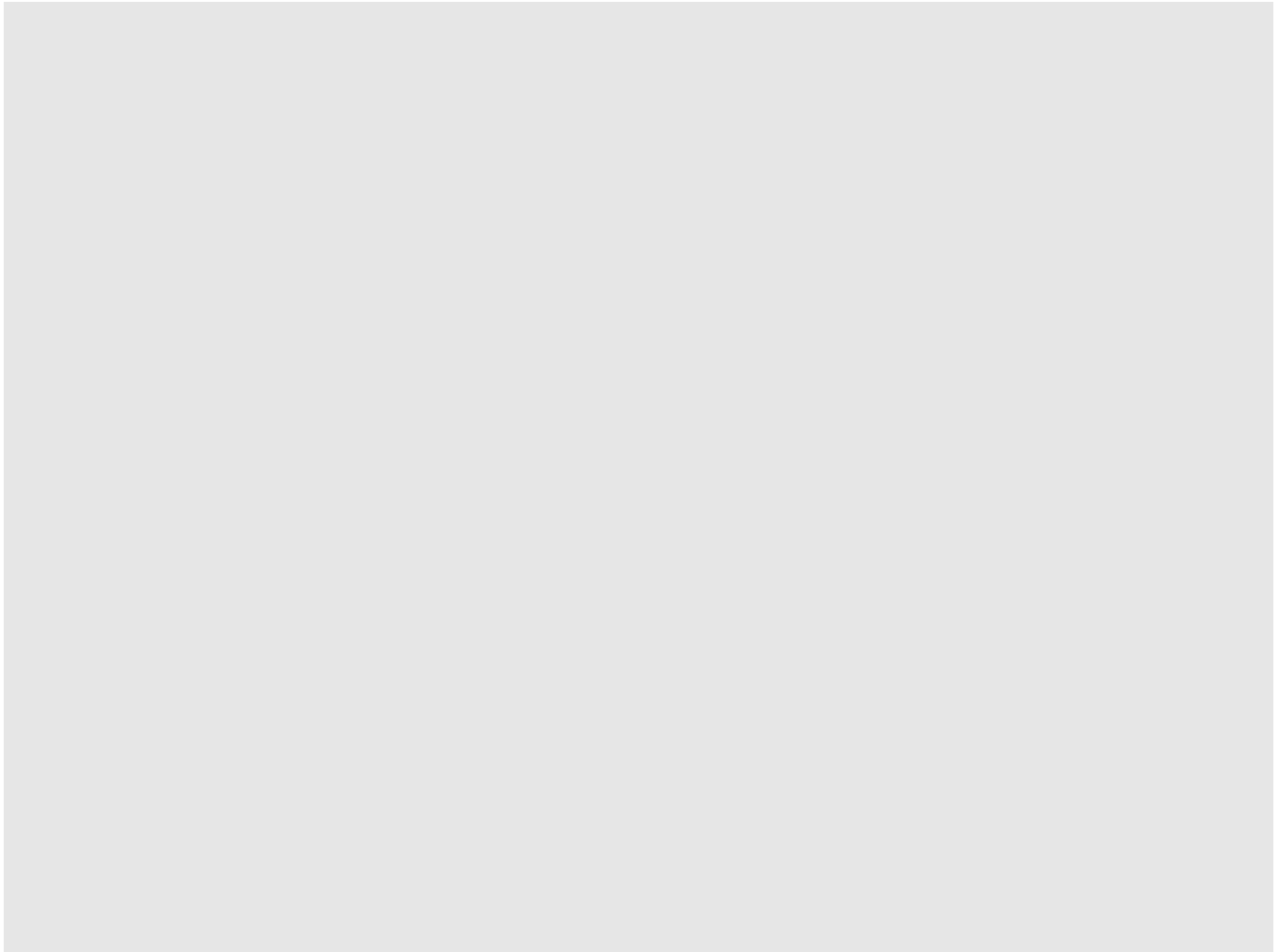
LaTona and Harrington also told Roemer that they would be willing to enter into a protective order that would allow only them to read the search warrant documents. LaTona, however, also reserved the right to discuss the search warrant information with Gerace and others as he builds a case.

Tripi jumped on that.

“...he gets to read them and then gets to verbally transmit it to others. That is totally unacceptable,” Tripi said, adding that if the search warrant documents were unsealed, the case would be severely compromised.

The prosecutor, who is working with Assistant U.S. Attorney Brendan T. Cullinane, also argued that the indictment charging the defendants and other related court documents already provide the defense attorneys with information on the government’s case, making it unnecessary to unseal the search warrants.

Those documents also leave no doubt of what the government’s overall intentions are – to go after organized crime. The Bongiovanni search warrant allowed investigators to seize, for instance, “Notes and ledgers relating to association and illegal activities of members or associates of organized crime, including IOC (Italian Organized Crime) and the Buffalo LCN (La Cosa Nostra) Family.”



Law enforcement officer outside Pharaoh's Gentlemen's Club on Aero Drive in Cheektowaga during a December 2019 raid.

Buffalo News file photo

In court documents, Gerace and his brother Anthony are identified as the nephews of the man government investigators have for years said is the leader of the Buffalo's organized crime family, though they have not been able to make a case against Joseph A. Todaro.

Todaro, who operates the successful La Nova Pizza business, has said he has nothing to do with Peter and Anthony Gerace in recent years and he condemns drug dealing because it ruins lives. **Anthony Gerace** recently began a five-year federal prison term on a weapons conviction stemming from drug dealing.

LaTona, Daniels and Harrington said they plan to appeal Roemer's denial to U.S. District Judge John L. Sinatra Jr., the trial judge in the case.

By Lou Michel
reporter

https://buffalonews.com/news/local/crime-and-courts/witness-in-organized-crime-probe-sent-to-jail-for-six-months-for-vehicular-assault/article_5d54c7b8-0116-11ec-9278-1b9ba7fdc3c1.html

Witness in organized crime probe sent to jail for six months for vehicular assault

Dan Herbeck

Aug 19, 2021



Katrina Nigro is the ex-wife of Peter Gerace Jr., the owner of the Pharaoh's Gentlemen's Club in Cheektowaga. She said she has testified before a federal grand jury about Gerace and the Mafia in Buffalo. She posed for a photo at her home on Feb. 16, 2021.

Sharon Cantillon/Buffalo News

Dan Herbeck

A woman who is a witness in an organized crime investigation was sentenced to six months in jail Thursday for an accident that injured two other people.

Katrina L. Gerace, also known as Katrina Nigro, 38, of East Aurora, was also sentenced by Erie County Court Judge Kenneth Case to probation for five years after her jail term for second-degree vehicular assault is complete. Her driver's license was revoked.

Gerace was driving under the influence of alcohol on the night of Oct. 11, 2019, when her car crossed a double yellow line and struck an oncoming vehicle on Bowen Road in East Aurora, Erie County District Attorney John J. Flynn said.

"Two people in the other vehicle were injured as a result," Flynn said.

The Kenmore couple injured in the collision has sued Gerace in State Supreme Court.

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In July 2020, Gerace pleaded guilty to the felony before State Supreme Court Judge John L. Michalski, the district attorney said.

The Buffalo News has reported that Gerace has served as a witness for federal law enforcement authorities investigating alleged organized crime activities involving her ex-husband, **Peter M. Gerace Jr.**, owner of a Cheektowaga strip club, and several

other defendants. Peter Gerace has pleaded not guilty to several felony charges at federal court, including drug trafficking conspiracy, sex trafficking conspiracy and bribing a federal drug agent.

Katrina Gerace told The News she has been assisting prosecutors and agents as a witness in that case, and her participation was confirmed by several other sources close to the investigation. Steven M. Cohen, an attorney for Peter Gerace, has raised questions about her credibility in a lawsuit accusing her of libeling and slandering Peter Gerace.

Peter Gerace's friendship with Judge Michalski – **who conducted the wedding ceremony for Peter and Katrina Gerace** – has come under scrutiny.

The judge was seriously injured when he was **struck by a freight train** in Depew on Feb. 28. Federal agents contacted Michalski to **question him about his relationship with Peter Gerace** about a week before that, according to an attorney who was representing Michalski. Law enforcement sources have said **Michalski either fell or lay on the tracks**.

According to Flynn, Michalski recused himself from the Katrina Gerace accident case on July 21, 2020, "due to a personal conflict," Flynn said.

Flynn said he "was unaware of the conflict until Justice Michalski brought the issue to the attention of our office."

Michalski has been on medical leave from his judicial post since the train incident.

By Dan Herbeck

News reporter, Watchdog Team

https://buffalonews.com/news/local/federal-sentencing-delayed-for-ailing-schoolteacher-who-admitted-to-drug-trafficking-and-gun-crimes/article_1e6a7606-0742-11ec-b0d8-fbc4f55b873e.html

Federal sentencing delayed for ailing schoolteacher who admitted to drug trafficking and gun crimes

Dan Herbeck

Aug 29, 2021



Teacher Michael Masecchia, at center in black suit, jumps in the air with students from a graduating class at Grover Cleveland High School in Buffalo on June 23, 2000. In December 2020, Masecchia pleaded guilty in U.S. District Court in Buffalo to felony drug trafficking and weapons charges.

James P. McCoy/Buffalo News

Dan Herbeck

Michael Masecchia, a respected Buffalo schoolteacher and coach who moonlighted as a marijuana grower and trafficker, is suffering from lymphoma, and a federal judge has indefinitely postponed his sentencing date.

Masecchia pleaded guilty last year to felony charges of drug trafficking and unlawful weapons possession. Under sentencing guidelines, he faces a likely prison term of seven to eight years.

Feds examine ties between judge hit by train and indicted strip club owner

The 55-year-old Amherst man was scheduled to be sentenced Aug. 4, but U.S. District Judge John L. Sinatra delayed the proceeding at the request of Masecchia's attorney, Patrick J. Brown.

"Unfortunately, Mr. Masecchia has been diagnosed with lymphoma, and is in the midst of chemotherapy treatment at Roswell Park Memorial Hospital," Brown informed the judge in a letter. "His treatment is expected to be ongoing for the remainder of the year."

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Lymphoma is a potentially fatal form of cancer that attacks part of the body's immune system.

"He knows he will have to face the judge for sentencing in federal court," Brown told The Buffalo News last week. "Right now, we're in an indefinite holding pattern while Mike continues his treatment ... I think he's got a long, difficult fight ahead."

Masecchia, a longtime teacher who taught English at Grover Cleveland High School, is one of several local men targeted in an ongoing federal investigation into suspected organized crime activities. Prosecutors have alleged that Masecchia is an associate of Buffalo's "Mafia" organization.





Read the full story from News Staff Reporters Lou Michel and Dan Herbeck

Ellen Przepasniak

Pharaoh's owner charged with bribing DEA agent as feds investigate Buffalo Mafia

Eighteen people – including two city high school principals, more than a dozen educators and a National Football League player – have written letters to Sinatra, lauding Masecchia as a dedicated and caring teacher and asking for leniency.

“No one took the time to care about his students like Michael did,” wrote David J. Potter, principal at Buffalo’s Middle Early College High School, who sent his letter on official Buffalo Schools stationery.

Potter and other educators described Masecchia as a teacher and coach who inspired his students, brought in food for students from poor families, stuck up for students who were bullied and spent extra time after school to help refugee kids with their

English language skills.

Atlanta Falcons linebacker Steven Means, a former star on the Grover Cleveland football team, recalled that he was “on the brink” of crossing over into a world of criminal activity when Masecchia took him under his wing and “stopped me from making mistakes.”

Means said he may not have had a career in the NFL without the guidance of “Mr. Mike.”

With guns drawn, feds told ex-DEA agent: 'Tell us all about the Mafia'

But a much less flattering picture is painted in court documents filed by the U.S. Attorney's office, including the plea agreement that Masecchia signed when he admitted to multiple felony crimes in December.

He admitted he ran a large marijuana growing facility in rural Cattaraugus.

Masecchia admitted that he began trafficking in pot around 1999, long before New York and other states took steps toward legalizing the drug. Masecchia admitted that he has distributed more than a ton of marijuana during that time.

Masecchia said he “and others” in the drug trade had help from a crooked federal agent, co-defendant Joseph Bongiovanni. He said Bongiovanni helped him and other drug traffickers to avoid arrest by providing “law enforcement-sensitive information,” including the names of potential cooperating witnesses.

Bongiovanni, formerly of the U.S. Drug Enforcement Administration, denies the allegations.

And Masecchia admitted that he possessed illegal firearms, including a gun that federal agents found under his mattress when they raided his home in 2019.

According to court papers, the items found at the teacher’s home included \$27,950 in cash, eight guns, ammunition, three Mason jars of marijuana, various steroids in liquid and tablet form, hypodermic needles, two grams of suspected cocaine, Tylenol with codeine tablets, suspected hashish and four cellphones.

It is difficult to reconcile Masecchia’s criminal activities with his “outstanding service” as an educator and coach, Brown said.

The longtime defense lawyer said Masecchia is one of many clients he has represented who lived exemplary lives in many respects but also engaged in serious criminal activity.

“Over the years, he did go out of his way to help students, including foreign students and students who were being bullied by others,” Brown said. “He really has lived two different lives over the years. I cannot understand it. It is a mystery to me as to how some people can do this.”

By Dan Herbeck

News reporter, Watchdog Team

https://buffalonews.com/news/local/crime-and-courts/judge-michalski-seeks-return-to-work-months-after-he-was-struck-by-train/article_e34b9dc0-43cd-11ec-a65b-731bb0e8827e.html

Judge Michalski seeks return to work months after he was struck by train

Dan Herbeck

Nov 12, 2021



State Supreme Court Justice John L. Michalski died by suicide in April 2022.

Buffalo News file photo

Dan Herbeck

Nearly nine months after he was struck by a train in Depew, State Supreme Court Justice John L. Michalski wants to return to active duty on the bench.

Michalski, who was **questioned by FBI agents about a week before he was hit by the train** near the Depew Amtrak station on Feb. 28, recently asked his superiors in the state Office of Courts Administration to allow him to end his paid medical leave and return to work.

That request is under consideration by administrative judges in the state court system, Lucian Chalfen, a spokesman for the state courts, told The Buffalo News on Friday.

The train incident was called an "apparent suicide attempt" by State Supreme Court Judge Thomas Brown in a decision earlier this year upholding the Village of Depew's refusal to release a copy of a video showing Michalski being struck by the train.

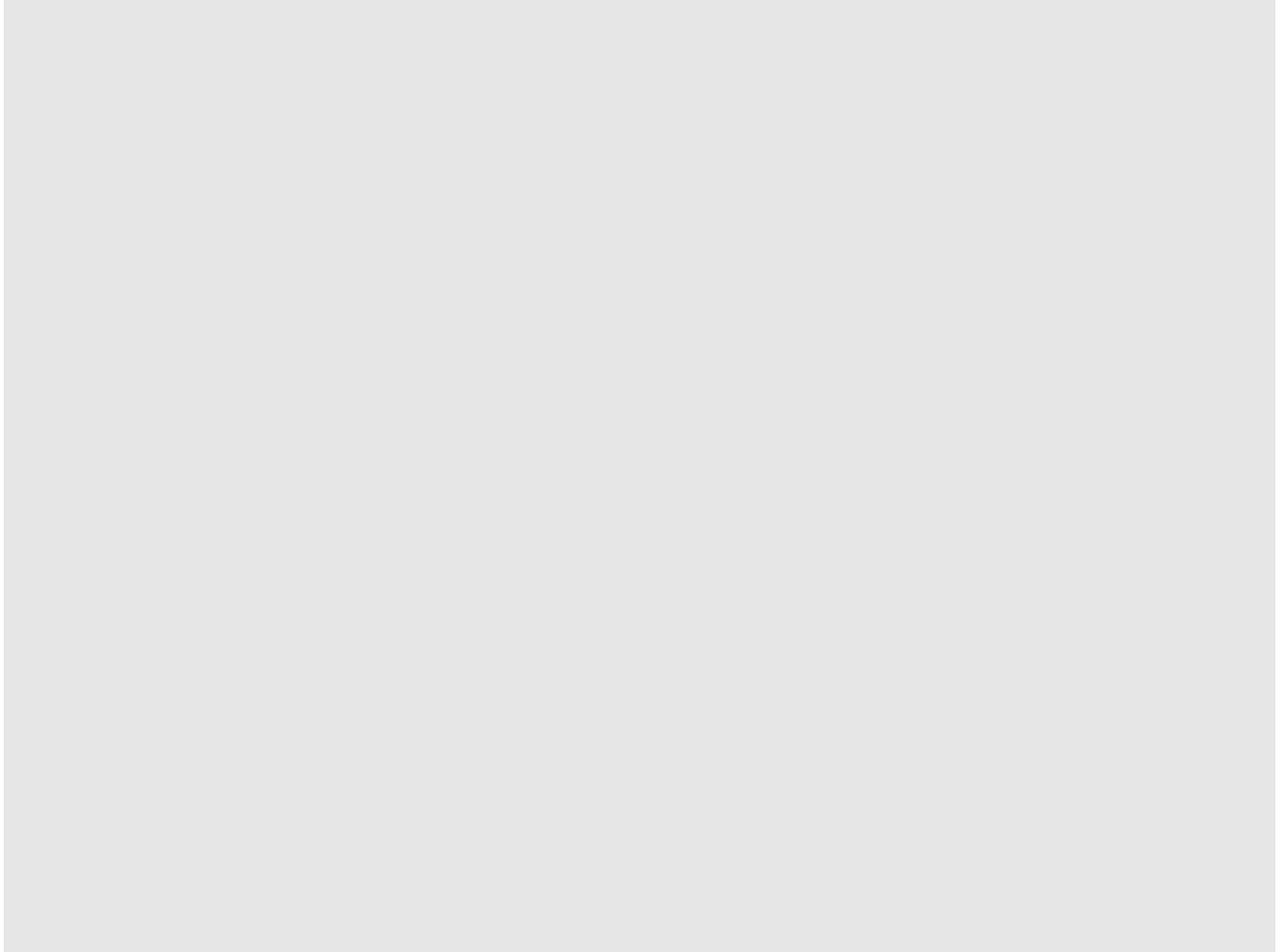
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"Judge Michalski is working very hard to meet all the fitness qualifications that would enable him to return to the bench," said Terrence M. Connors, an attorney for the judge. "The judge's current mental and physical health should qualify him for a return to work. He is optimistic, upbeat and looking forward to returning."

Depew police investigated the train incident, which occurred about a week after Michalski was questioned by FBI agents about his friendship with **Peter G. Gerace Jr.**, owner **Pharaoh's strip club** in Cheektowaga. Gerace was charged with bribing a DEA agent, drug trafficking and sex trafficking on the same day Michalski was hit by the train.

The judge, 60, was lying on the tracks when the train hit him, and he was not pushed by any other person onto the tracks, law enforcement officials told The News after the incident.



A train rolls by on tracks near where State Supreme Court Judge John L. Michalski was hit by a CSX freight train on Feb. 28, 2021, in Depew.

Lou Michel

Michalski was rushed to Erie County Medical Center, where he was hospitalized for treatment of a leg injury.

Erie County District Attorney John J. Flynn, whose office reviewed a videotape of the incident, said it was “almost a miracle” that Michalski was not killed.

Another law enforcement source who saw a video of the incident said it appeared Michalski's life was saved by the train's cowcatcher, a device on the front of the train's engine.

“The cowcatcher caught him in such a way that it moved him between the two rails and directly underneath the train. The train passed over him without killing him,” this source said.

An attorney and friend of the judge, Anthony J. Lana, told The News a few days after the incident that federal agents had questioned the judge about his friendship with Gerace, who has pleaded not guilty to the federal charges.

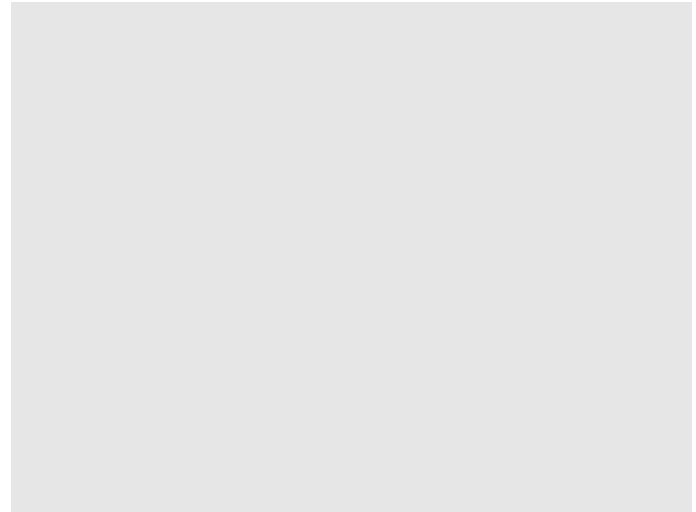
Federal prosecutors charged Gerace with bribing **Drug Enforcement Administration agent Joseph Bongiovanni**, and with cocaine trafficking and sex trafficking at Pharaoh's. Gerace and Bongiovanni are awaiting trial.

Lana described Michalski and Gerace as longtime friends and said Michalski did some legal work for Gerace and Pharaoh's when the judge was in private practice. Lana said there was nothing inappropriate or illegal about the judge's friendship with Gerace or the legal work he has done for him.

Gerace is a nephew of the man federal law enforcement officials call the leader of the Buffalo Mafia, Joseph A. Todaro, who has repeatedly denied that allegation.

The News reported in March that New York State's **Commission on Judicial Conduct is investigating allegations that Michalski was paid \$5,000** by Gerace to perform his wedding ceremony in 2014, despite a state law that caps such pay at \$100.

Peter Gerace denied making the \$5,000 payment. The woman he married that day, his ex-wife Katrina Nigro, told The News she witnessed the payment, and said she has reported the payment to FBI agents investigating Gerace.



Peter G. Gerace Jr. will remain in custody until his August trial.

Photo courtesy of the Broward County Sheriff's Office

Michalski did not report receiving a \$5,000 cash payment for the wedding in state ethics disclosure statements on outside income, according to a copy of the statements obtained by The News.

Robert H. Tembeckjian, chief administrator and counsel to the state commission, said he could not comment on Michalski's efforts to return to duty or the investigation by his office.

A state judge since 2006, Michalski makes \$210,900 a year.

Three prominent Buffalo attorneys who know and have practiced before Michalski spoke in his defense on Friday.

"I've known this man for more than 30 years. I have never known him to be anything other than fair and level-headed," said criminal defense lawyer Joseph J. Terranova. "This one incident came out of nowhere. If he has gotten past this, if he has done everything the court system has asked him to do, absolutely he should be allowed to return to the bench."

No criminal charges have been filed against Michalski in the Gerace investigation, and "I cannot imagine any reason why he would be charged with anything," said attorney Thomas J. Eoannou.

"John is a compassionate, honest and fair judge," Eoannou said. "As long as he follows all the procedures and directions of the Office of Courts Administration, I cannot see any reason why he should not be back in court."

"Whether this was a suicide attempt or not, I don't know," defense attorney Paul J. Cambria said of Michalski. "But if Judge Michalski needed treatment, and got the treatment he needed, he should come back. I would have no problem having him assigned to one of my cases."

Flynn said he also would welcome Michalski back to the bench if it is approved by state court officials.

“I know of no health issues or legal issues – nothing that I’m aware of – that would preclude him from coming back,” Flynn said.

The judge has not responded to calls, messages and letters from The News.

By Dan Herbeck

News reporter, Watchdog Team

https://buffalonews.com/news/local/judge-john-michalski-hit-by-train-last-year-reinstated-to-duty/article_5b7372bc-7fb7-11ec-97fb-971d368e87d1.html

Judge John Michalski, hit by train last year, reinstated to duty

Dan Herbeck

Jan 27, 2022



State Supreme Court Justice John L. Michalski died by suicide in April 2022.

Buffalo News file photo

Dan Herbeck

A State Supreme Court judge who had been off the job since he was struck by a train in February was reinstated to duty Thursday.

Judge John L. Michalski, 61, who was approached for questioning by the FBI shortly before the Feb. 28 train incident, is “reinstated to duty, effective immediately,”

Lucian Chalfen, a spokesman for the state Office of Courts Administration, told The

Buffalo News.

State Supreme Court judge Michalski hit by freight train

His reinstatement came two months after Michalski's attorney, Terrence M. Connors, confirmed to The News that Michalski had asked to return to duty.

"Judge Michalski worked very hard to meet all the fitness qualifications that would enable him to return to the bench. His current mental and physical health now qualifies him for a return to work," Connors said late Thursday.

Speaking of the train incident, Connors said: "The judge realizes that it was not his time, and he is grateful for that. I think he feels that he has been kept alive to accomplish good things in his life."

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Despite no criminal probe, Depew refuses to release video of train hitting judge

The train incident was called an "apparent suicide attempt" by State Supreme Court Judge Thomas Brown in a decision last year upholding the Village of Depew's refusal to release a copy of a video showing Michalski being struck by the train.

Connors was asked if the incident was a suicide attempt.

"I'm not qualified to characterize it that way," Connors said. "The judge had no history of mental health issues, but there was a confluence of events that caused great stress in his life and resulted in conduct that you would never anticipate from a person who has accomplished so much in his life. He has since undergone counseling and evaluation that have given him great insight and the ability to cope with things."

Feds examine ties between judge hit by train and indicted strip club owner

Michalski was struck by a train in a Depew railyard last year, days after he was **questioned by the FBI about his long-time friendship with a strip club owner named Peter Gerace** who faces federal charges of money-laundering, drug trafficking and sex trafficking.

No charges have ever been filed against the judge in connection with the FBI probe, and supporters of the judge say there was nothing illegal or improper about the friendship.

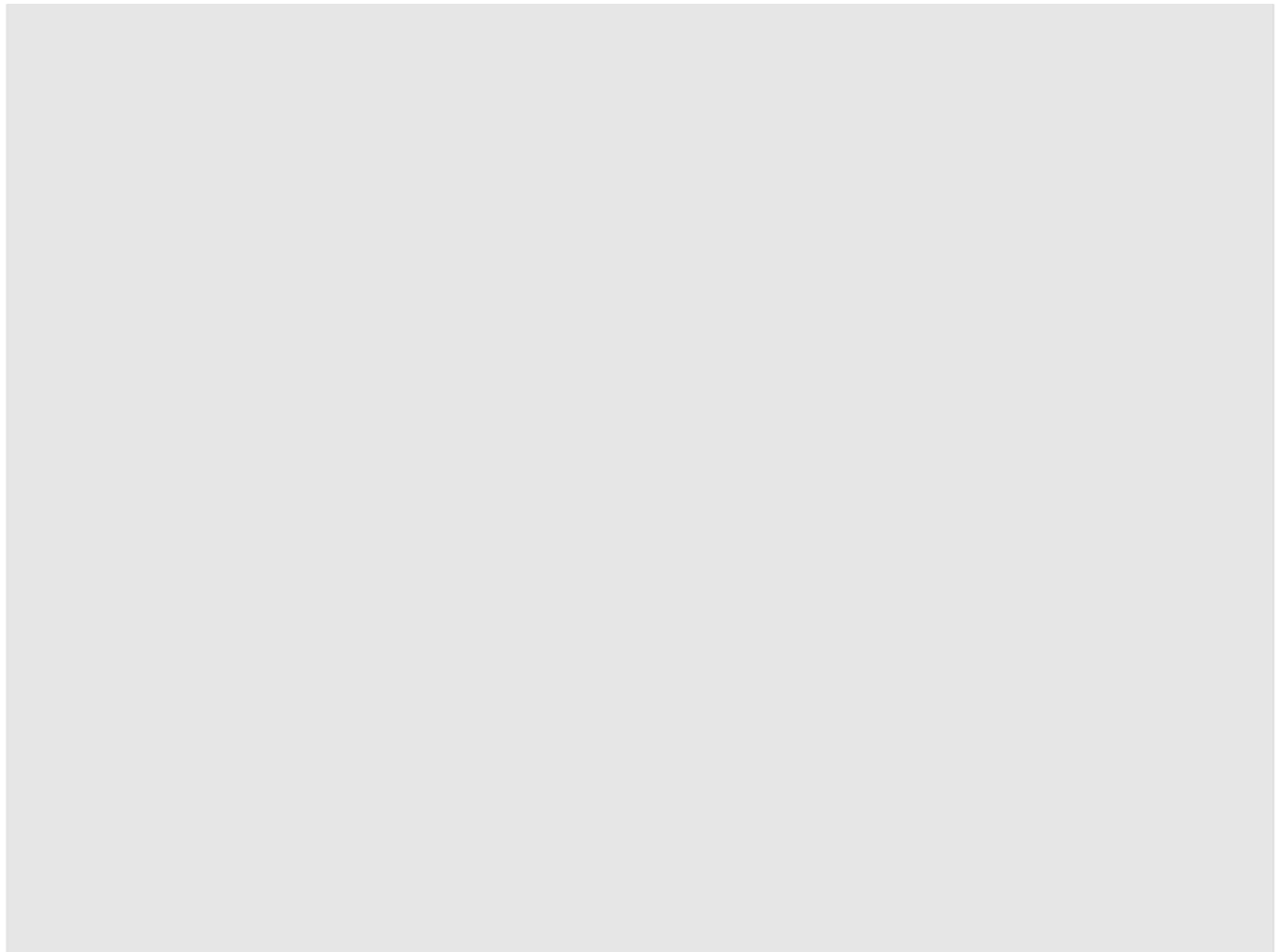
Judge's dangerous encounter with train astonishes those who know him

Connors declined to comment when asked about the FBI probe or to give further details on what led to the train incident.

He did tell The News that the judge is "cooperating fully" with an ongoing investigation into his conduct by the state Commission on Judicial Conduct.

The commission has been investigating allegations made by Gerace's ex-wife **that Michalski was paid \$5,000 to perform Gerace's wedding ceremony.**

Judges in New York state are prohibited from accepting more than \$100 to perform a wedding ceremony.



Judge hit by train under investigation over claim of \$5,000 payment for wedding

Connors said he could not discuss details of the commission's investigation or speculate how long the investigation will last.

The judge was treated in a hospital for leg injuries suffered when the train hit him. Connors said he also suffered a minor head injury.

Michalski is assigned to the state Court of Claims.

By Dan Herbeck

News reporter, Watchdog Team

https://buffalonews.com/news/local/crime-and-courts/feds-search-home-of-state-supreme-court-justice-john-michalski-who-was-hit-by-train/article_566a67f2-ab82-11ec-8254-ab64dd8b3b22.html

Feds search home of State Supreme Court Justice John Michalski, who was hit by train last year

Lou Michel , Dan Herbeck

Mar 24, 2022

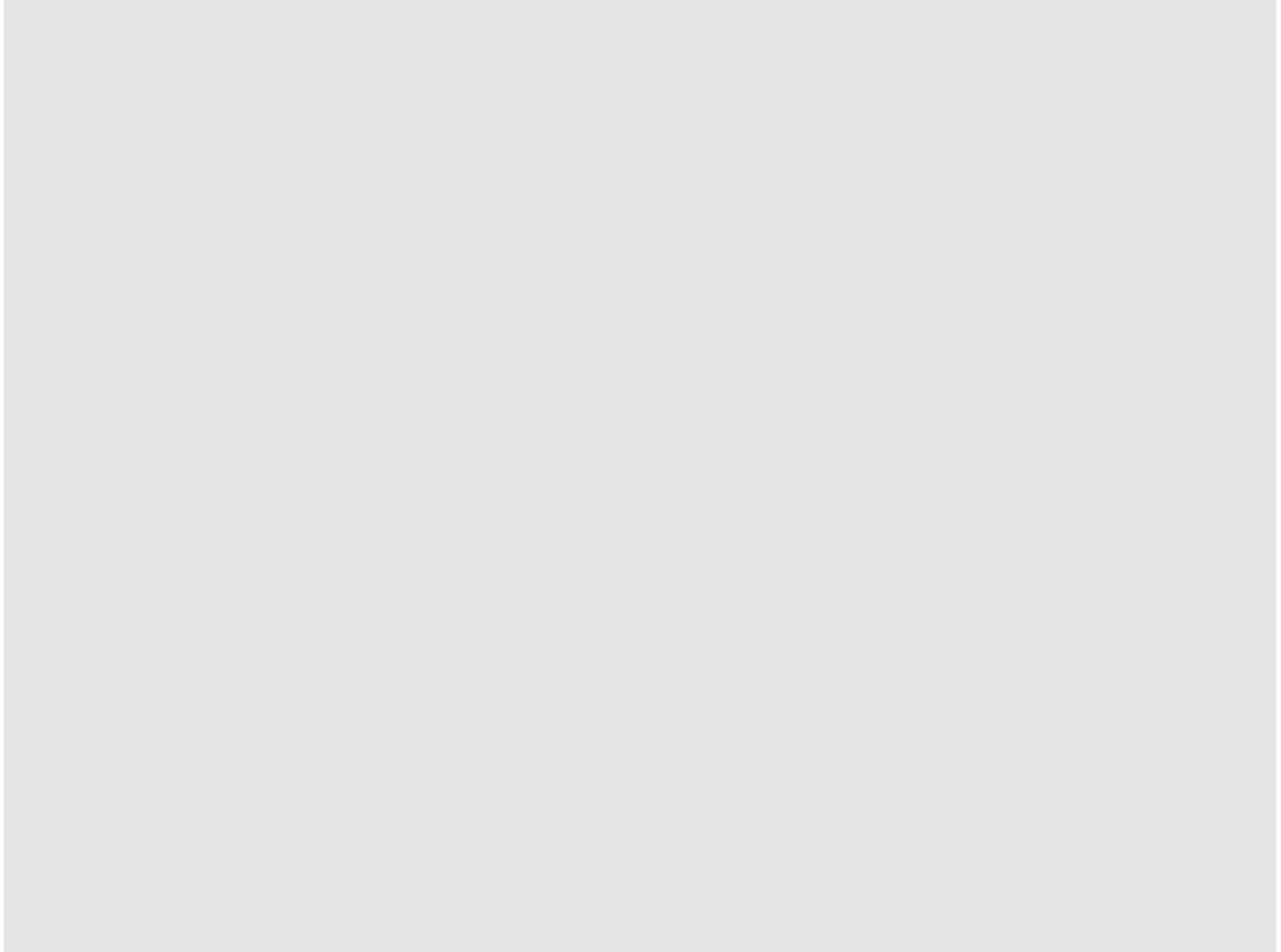


Law enforcement officials are searching the home of State Supreme Court Judge Michalski in Amherst on Thursday, March 24, 2022. Inside are New York State police, FBI and the officials from the state Attorney General's Office.

Sharon Cantillon/Buffalo News

Lou Michel , Dan Herbeck

Federal agents and state police executed a search warrant Thursday morning at the Amherst home of State Supreme Court Justice John Michalski, who was **hit by a train** 13 months ago days after FBI agents questioned him about his friendship with the owner of a Cheektowaga strip club.



State Supreme Court Justice John L. Michalski died by suicide in April 2022.

Buffalo News file photo

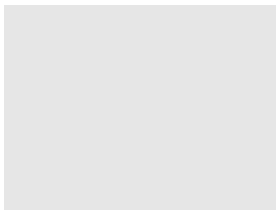
A lawyer representing Michalski confirmed to The Buffalo News that the search was underway.

“A search warrant has been executed at home of Judge Michalski. He and his wife are fully cooperating,” said Terrence M. Connors, the lawyer.

Michalski, 61, of Hunters Lane, who suffered a serious leg injury from the freight train incident, **returned to the bench eight weeks ago** after the State Office of Court Administration reinstated him.

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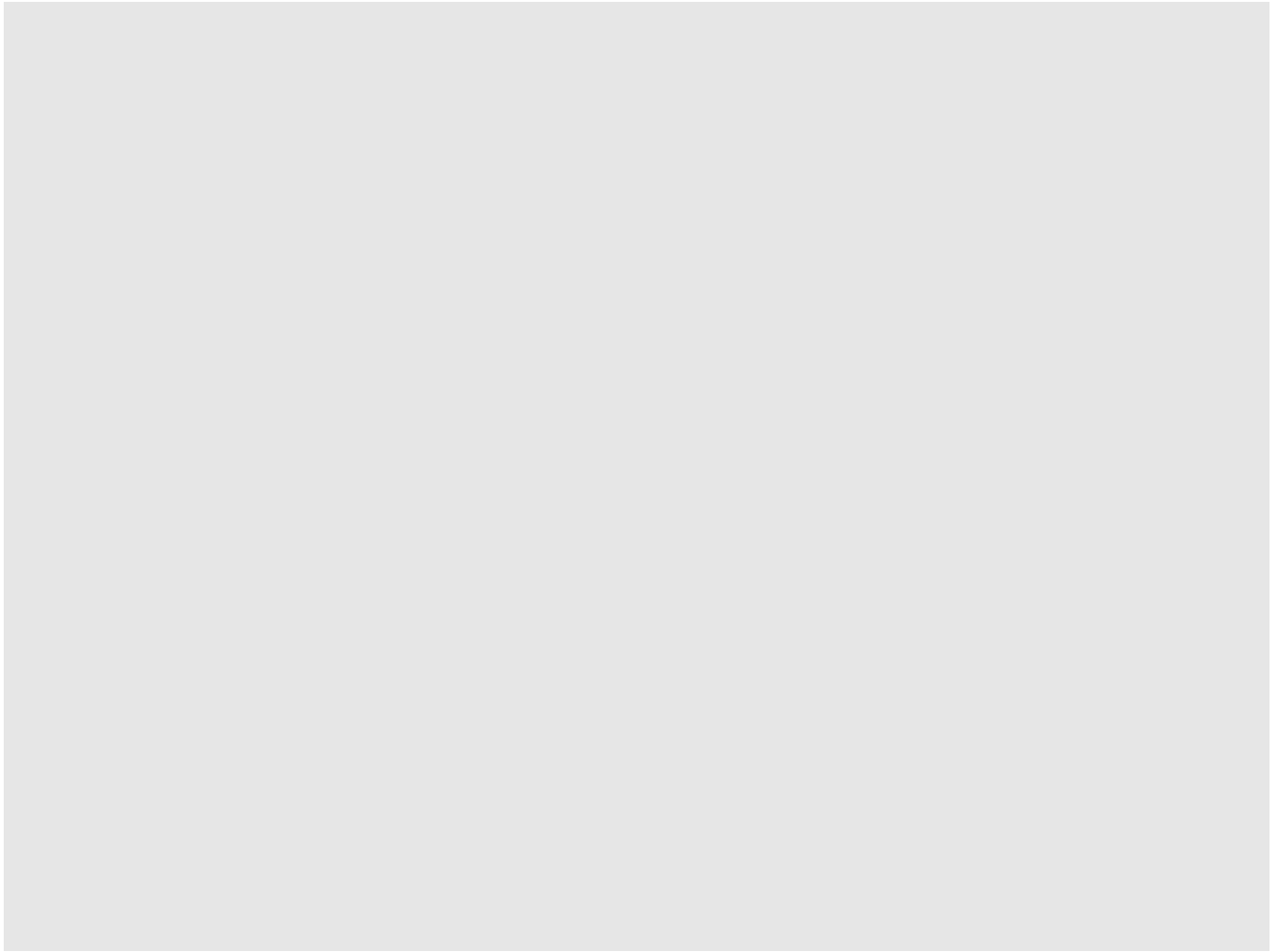


Photos: Law enforcement officials raid the home of Judge John Michalski

Sharon Cantillon/Buffalo News

The Feb. 28, 2021, train incident was called an “apparent suicide attempt” by State Supreme Court Judge Thomas Brown in a decision last year upholding the Village of Depew’s refusal to release a copy of a video showing Michalski being struck by the train.

Michalski was hit by the train in Depew days after he was **questioned by the FBI about his longtime friendship with strip club owner Peter Gerace**, who faces federal charges of drug trafficking, sex trafficking and bribing Drug Enforcement Administration Agent Joseph Bongiovanni, who was also indicted.



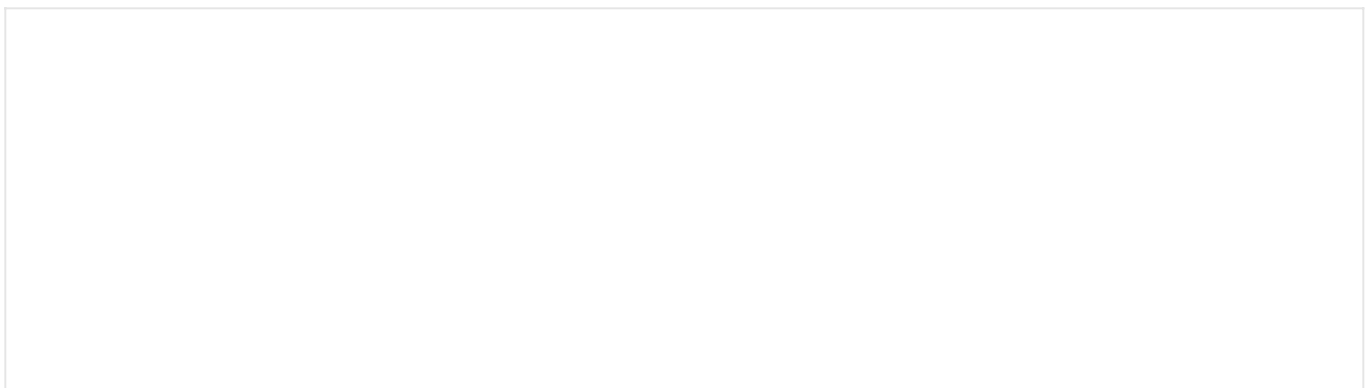
Law enforcement officials carry items out of the house of State Supreme Court Judge John J. Michalski in Amherst, Thursday, March 24, 2022. They took out several boxes and a case filled with materials.

Sharon Cantillon/Buffalo News

Gerace is the nephew of a man that the FBI has said is the head of the Buffalo Mafia.

The FBI and Department of Homeland Security has an ongoing investigation into organized crime in Buffalo.

No charges have been filed against Michalski in connection with the federal probe.



Judge John Michalski, hit by train last year, reinstated to duty

Officers from the FBI, State Police and State Attorney General's Office arrived at Michalski's house at about 7 a.m. Thursday. They carried out several boxes and a case filled with materials.

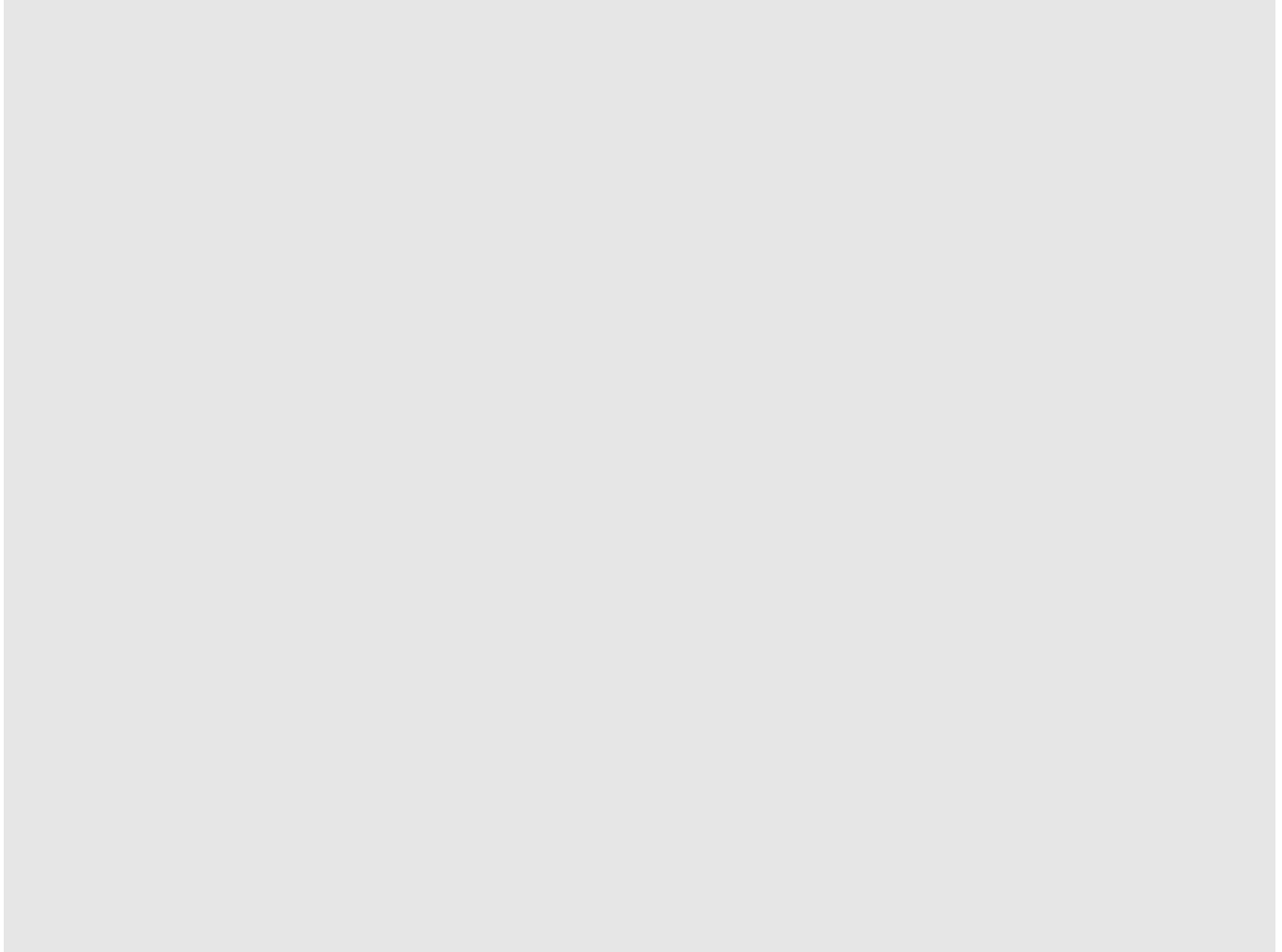
Connors said he did not know if the search of Michalski's house was related to Gerace or his strip club, Pharaoh's, which was **raided by federal authorities in December 2019**.

"I have no knowledge of that because I have not seen the search warrant," Connors said.

Michalski has also been under investigation by the state Commission on Judicial Conduct. It is investigating **allegations made by Gerace's ex-wife** that Michalski was paid \$5,000 to perform Gerace's wedding ceremony. Judges in New York State

are prohibited from accepting more than \$100 to perform a wedding.

Barbara Burns, a spokesperson for the U.S. Attorney's Office, declined to comment when asked about the search of Michalski's house.



Law enforcement officials carry items out of State Supreme Court Judge John J. Michalski's house in Amherst on Thursday, March 24, 2022.

Sharon Cantillon/Buffalo News

Gerace declined to comment on this latest development and instead referred inquiries to Steven M. Cohen, his attorney.

Cohen lambasted Gerace's ex-wife, Katrina Nigro, and Assistant U.S. Attorney Joseph Tripi, the lead prosecutor in the ongoing federal investigation into organized crime.

"A disgruntled and disturbed ex-wife has been casting aspersions against some very fine people, and Judge Michalski is one in a long list who have been victimized by her," Cohen said.

Cohen called Michalski "one of the finest judges in the Eighth Judicial District."

Nigro has said she has testified on organized crime before a federal grand jury, but declined to comment on what she told the grand jury.

Of Tripi, Cohen said, "Regrettably, a naive assistant U.S. attorney has swallowed everything this woman says hook, line and sinker."

By Lou Michel

reporter

By Dan Herbeck

News reporter, Watchdog Team

Photos: Law enforcement officials raid the home of Judge John Michalski

Sharon Cantillon/Buffalo News

Mar 24, 2022

Law enforcement officials searched the house of State Supreme Court Judge John J. Michalski in Amherst, Thursday, March 24, 2022. Involved in the raid are New York State police, the FBI and the New York Attorney General's Office.

Removing materials



Washington OPE
801 7th Street Nor



Law enforcement officers carry seized items from the Amherst house of State Supreme Court Judge John Michalski on Thursday, March 24, 2022. Involved in the raid are New York State Police, the FBI and the New York Attorney General's Office.

Sharon Cantillon / Buffalo News

Search warrant



A search warrant is executed at the home of Judge Michalski.

Sharon Cantillon / Buffalo News

Michalski cooperating



Law enforcement officials leave with materials after spending the morning hours at the Michalski home. According to the couple's lawyer, Terrance M. Connors, Michalski and his wife are fully cooperating.

Sharon Cantillon / Buffalo News

Gathering information



A law enforcement official photographs a vehicle in the driveway.

Sharon Cantillon / Buffalo News

Loading materials



Materials from the Michalski home are loaded into an SUV.

Sharon Cantillon / Buffalo News

Michalski home in Amherst



Judge John Michalski, of Hunter's Lane in Amherst, returned to work several weeks ago after being hit by a train in Feb. 28, 2021.

Sharon Cantillon / Buffalo News

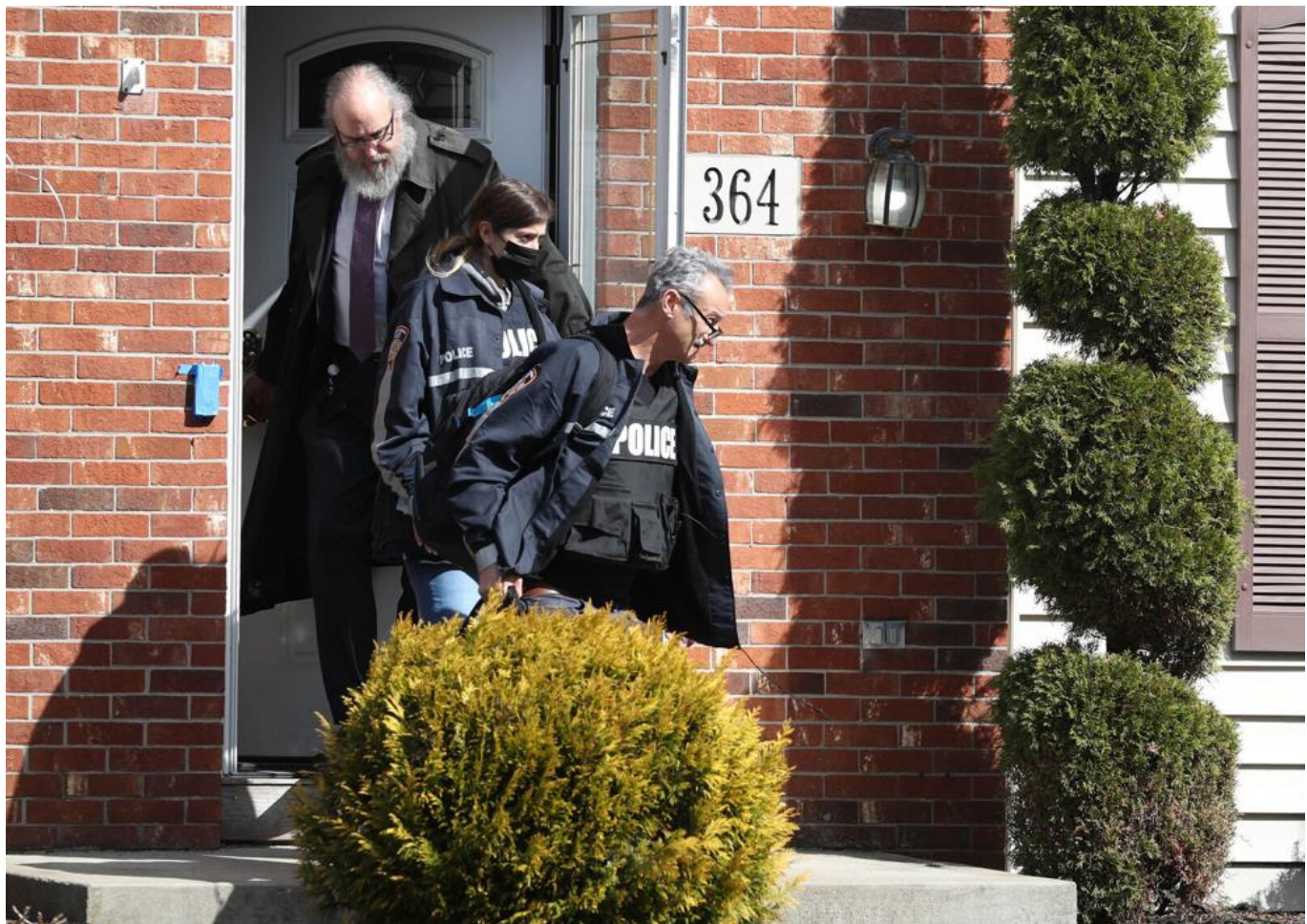
Hours executing the search warrant



Law enforcement officials arrived at Michalski's home at about 7 a.m. and left just before noon. They load materials collected from the Michalski home into an SUV.

Sharon Cantillon / Buffalo News

Federal and state agents at Michalski home



Law enforcement officials leave Michalski's home.

Sharon Cantillon / Buffalo News

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Feds search home of State Supreme Court Justice John Michalski, who was hit by train last year

Federal agents executed a search warrant at the Amherst home of State Supreme Court Judge John Michalski, who was hit by a train 13 months ago days after FBI agents questioned him about his friendship with the owner of a Cheektowaga strip club.



State Supreme Court Justice John Michalski dead at 61

Federal and state law enforcement officers, who have been investigating the judge for several years, raided his home on March 24. But no charges were filed against the judge or his wife.

https://buffalonews.com/news/local/court-cases-taken-from-judge-michalski-one-day-after-fbi-raids-his-home/article_7f13cb24-ac5b-11ec-aea5-cbe736e7c6ef.html

ALERT

Court cases taken from Judge Michalski one day after FBI raids his home

Dan Herbeck

Mar 25, 2022



State Supreme Court Justice John L. Michalski during a sentencing Oct. 3, 2008, at the Erie County Courthouse in Buffalo.

Buffalo News file photo

Dan Herbeck

Judge John L. Michalski had all of his court cases suddenly reassigned Friday, one day after **the FBI raided his home.**

All cases assigned to the State Supreme Court judge will be assigned to another judge and “no additional judicial matters will be assigned to Judge Michalski until further notice,” said Norman St. George, deputy chief administrative judge for the state Office of Courts Administration.

The state office sent The Buffalo News a statement announcing the move in response to questions from The News about a search warrant executed at Michalski’s Amherst home Thursday morning by agents from the FBI, Homeland Security, the state Attorney General’s Office and other law enforcement agencies.

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While federal prosecutors and agents declined to discuss the raid, law enforcement officials more than a year ago began investigating **Michalski’s relationship with Peter Gerace Jr.**, a friend and former client of the judge who runs the Pharaoh’s strip club in Cheektowaga.

Gerace faces federal charges of drug trafficking, sex trafficking and bribing a Drug Enforcement Administration agent, which Gerace denies.

One of Michalski’s attorneys, Terrence M. Connors, said Michalski told him late Friday morning that his superiors were assigning all his cases to another judge – Kevin Carter, supervising judge for the state courts in Western New York – and will not assign Michalski any new cases until further notice.

Michalski was "not suspended" from duty, Connors said.

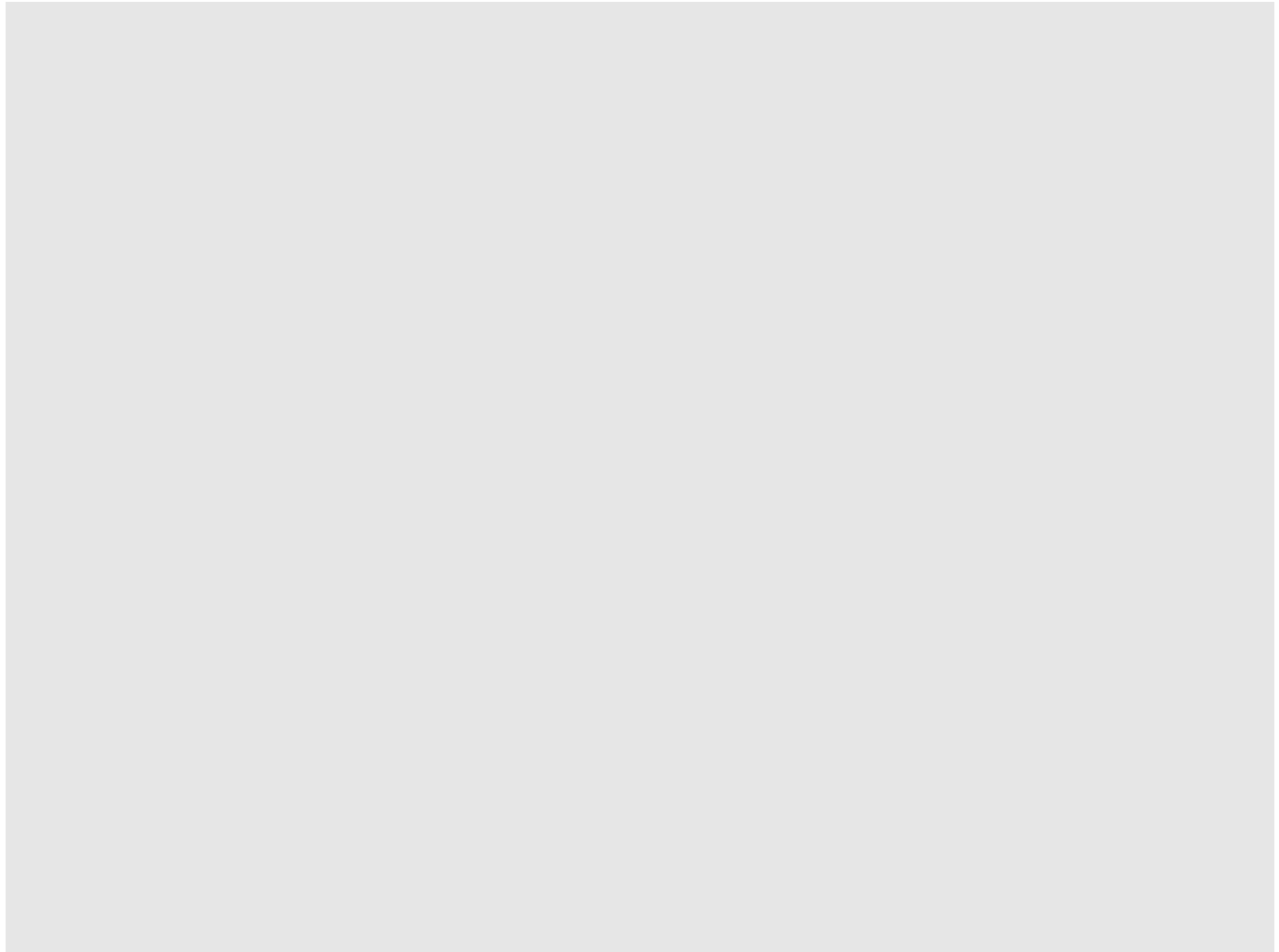
"Today's communication from the Office of Court Administration was not a disciplinary action nor was there any associated suspension of the judge's duties," Connors said. "His cases have been temporarily reassigned until further communication from the Deputy Chief Administrative Judge."

"It is not a suspension," confirmed state courts spokesman Lucian Chalfen.

Connors declined to comment on why state court officials took Michalski's cases away from him, saying, "I'm not going to speculate."

Connors added that he and Anthony J. Lana, another attorney who represents Michalski, met with the judge Thursday after the police raid.

"No charges were filed. Obviously, he was caught off-guard by the raid, nobody expected it," Lana told The News. "Nobody wants to see something like that happen in their home at 7 a.m. or 7:30 in the morning."



Law enforcement raids the house of State Supreme Court Judge John J. Michalski in Amherst, Thursday, March 24, 2022. Involved in the raid are New York State Police, the FBI and the New York Attorney General's office.

Sharon Cantillon / Buffalo News

Lana said he does not know where the federal investigation is heading, which he said is “unnerving” for the judge and his family.

“We have not been told anything by law enforcement about where this investigation is heading,” Lana said. “The judge tells me that he has never broken any laws and I fully believe him.”

A Buffalo FBI spokeswoman, Jennifer Zientowski, confirmed that the agency “conducted court-authorized law enforcement activity” at the Michalski home, but declined to explain what was behind it.

Both Lana and Connors said the judge is in good shape from an emotional perspective and fully prepared to continue his duties as a judge.

Thursday's raid is the latest in a series of strange developments involving Michalski since early last year.

On Feb. 28, 2021, the judge was injured by a freight train that struck him after he lay down on some railroad tracks in Depew. The judge survived that incident but was off-duty until Jan. 28 of this year, when the **state Office of Courts Administration reinstated him** to duty.

The train incident – which another judge referred to in a court ruling as “an apparent suicide attempt” – came days after FBI agents told Michalski they wanted to question him about his friendship with Gerace.

Michalski is also under investigation by the state Commission on Judicial Conduct. It is investigating **allegations made by Gerace's ex-wife** that Michalski was paid \$5,000 to perform Gerace's wedding ceremony. Judges in New York State are prohibited from accepting more than \$100 to perform a wedding.

By Dan Herbeck

News reporter, Watchdog Team

https://buffalonews.com/news/local/crime-and-courts/police-raid-at-judge-michalskis-home-sought-evidence-of-tax-crimes/article_31f8e032-afa2-11ec-ba51-6f61542ab2be.html

Police raid at Judge Michalski's home sought evidence of tax crimes

Dan Herbeck , Lou Michel

Mar 31, 2022



Law enforcement officers carry seized items from the Amherst house of State Supreme Court Judge John Michalski on Thursday, March 24, 2022. Involved in the raid are New York State Police, the FBI and the New York Attorney General's Office.

Sharon Cantillon / Buffalo News

Dan Herbeck , Lou Michel

Police who raided the Amherst home of State Supreme Court Judge John L. Michalski were looking for evidence of tax crimes, two government sources told The Buffalo News this week.

The sources said law enforcement officials are trying to determine whether an online retail clothing and jewelry business operated in the home has been following state and federal tax laws.

And authorities are now seeking information about another individual – Michalski's wife, Susan – in addition to the judge.

“We haven’t been told what the investigation is focused on, but yes, they did take documents from the home relating to a minuscule business run by Mrs. Michalski,” said attorney Anthony J. Lana, who represents Judge Michalski. “It’s a very small consignment business, selling jewelry, clothes and various knickknacks on eBay. The amount of money involved is very small ... pocket change.”

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No charges have been filed against Michalski or his wife.

Lana added that he is not aware of any violations of law by either the judge or his wife, who now has her own attorney, Daniel J. Henry Jr.

“The search warrant indicated that agents were searching for information about both the judge and his wife,” Henry told The News. “Right now, we’re trying to determine, is she a target, a witness, a subject of the investigation? She wants to protect her

rights and protect herself.”

Judge Michalski's entire court caseload was transferred from him on Friday, one day after the police raid, and officials of the State Office of Courts Administration said no further cases will be assigned to him “until further notice.”

Michalski, 61, is the judge who suffered injuries in February 2021, when he was hit by a freight train in the Village of Depew. Another judge called the incident “a suicide attempt” in a court ruling.

Judge John L. Michalski.

Harry Scull Jr.

The judge was struck days after learning that Buffalo FBI agents wanted to question him about **his relationship with strip club owner Peter G. Gerace Jr.**, a longtime friend and former client of Michalski.

Agents from the FBI and other federal agencies – who also participated in the raid on Thursday – have continued to investigate Michalski’s friendship with Gerace, owner of the Pharaoh's Gentlemen's Club in Cheektowaga, said the two government sources with knowledge of the probe.

Michalski was struck by the train on the same day **Gerace was arrested** on felonies including drug trafficking, sex trafficking and bribing a federal drug agent – charges that Gerace denies.

Federal agents and prosecutors have never publicly disclosed why they want to question the judge about Gerace.

According to Lana and Henry, the warrants that allowed police to search the Michalski home gave no indication that investigators were looking in the home for any evidence relating to Gerace or his strip club.

“The warrants made no mention of drugs or weapons of any kind. They were strictly seeking financial information,” Lana said.

Search warrants were issued by judges in state and federal court, and the warrants specifically sought information related to a company called **Everydaydeals364**, said one source who saw the warrants. The source said the warrants gave police permission to search for “computers, documents and cellphones.”

According to a law enforcement official, Susan Michalski’s online company is called Everydaydeals364.

Everydaydeals364 has an eBay shop that has sold about 4,700 items since it became an eBay member in 2007, according to the eBay website. It is currently offering for sale about 1,000 items of men's, women's and youth clothing and accessories, with most costing less than \$30.

“They were looking for evidence of tax crimes,” the law enforcement official told The News. “You now have criminal investigations, federal and state, involving the FBI, the U.S. Attorney, the state Attorney General’s Office and State Police.”

The official added that the Internal Revenue Service and the State Department of Taxation and Finance are also involved in the investigations of the judge.

“They are looking into whether there was income from the business that should have been reported,” the official said.

Lana said he doesn’t know whether the Michalskis file joint tax returns or whether they have reported income from Susan Michalski’s online business.

Michalski is also under investigation by the State Commission on Judicial Conduct, which reviews complaints of ethical misconduct by judges.

“As far as I know, the part-time business of a spouse bears no relationship to the qualifications of a sitting judge nor should it,” said attorney Terrence M. Connors, who is representing the judge in the commission’s ongoing probe.

Financial disclosure forms filed by Judge Michalski from 2014 through 2019 with the Ethics Commission for the state's Unified Court System show his wife held several jobs between 2014 and 2019.

The judge did not report any income from everydaydeals364. But Susan Michalski had other employment, according to the disclosure forms. She worked in sales for four companies at different times and earned between \$5,000 up to \$100,000 annually, depending on the employer.

Judge Michalski listed an outside income of \$5,000 to \$20,000 a year serving as an adjunct professor at Medaille College during that period.

By Dan Herbeck

News reporter, Watchdog Team

By Lou Michel

reporter

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State Supreme Court Justice John Michalski dead at 61

Charlie Specht , Lou Michel

Apr 5, 2022



State Supreme Court Justice John L. Michalski died by suicide in April 2022.

Buffalo News file photo

Charlie Specht , Lou Michel

State Supreme Court Justice John L. Michalski died by suicide at his Amherst home Tuesday, several sources confirmed, 12 days after police executed a search warrant there.

Defense attorney Terrence M. Connors told The Buffalo News he received a call about the death late Tuesday morning and has been with the family at the Michalski home since.

"It's heartbreaking," Connors said. "He was such a good guy. This just didn't have to happen."

Connors said he was "sick" when he got the news, especially since he was with Michalski last week and the justice's legal troubles seemed "manageable."

"We had a good support system in place," Connors said. "He was strong."

Michalski, 61, was appointed in 2006 as a judge to fill a vacancy on the State Court of Claims and has been assigned to handle cases in State Supreme Court in Erie County ever since then.

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Federal and state law enforcement officers, who have been investigating the judge for several years, raided his home on March 24. But no charges were filed against the judge or his wife.

Police raid at Judge Michalski's home sought evidence of tax crimes

The judge has been under public scrutiny since he suffered a serious leg injury in February 2021 when he was struck by a slow-moving freight train in Depew in what another judge called a "suicide attempt." The Buffalo News reported that the the train incident occurred days after federal agents contacted the judge to question him about his friendship with Cheektowaga strip club owner Peter Gerace Jr., a former client of Michalski.

Michalski was struck by the train on the same day Gerace was arrested on felonies including drug trafficking, sex trafficking and bribing a federal drug agent – charges that Gerace denies.



Sources: Judge lay on tracks before train hit him

Michalski's name first came to federal authorities' attention in June 2019 as agents investigated Gerace and retired Drug Enforcement Administration agent Joseph Bongiovanni.

As agents executed a search warrant at Bongiovanni's home and questioned him, Bongiovanni told them that Gerace was friends with Michalski, a federal Department of Homeland Security Investigations agent testified last year. The information surprised the agent.

“That was volunteered as it was a name I wasn't familiar with leading up to this. We were talking about people that Peter Gerace knew,” testified Agent Curtis Ryan, according to a transcript from a court hearing.

The friendship between the judge and Gerace began decades ago when Michalski was in private practice and performed legal work for Gerace's strip club, according to attorney Anthony J. Lana, who was also representing the judge.

In 2006, when Gerace was awaiting sentencing for a felony wire fraud conviction related to his sweepstakes telemarketing business, Michalski wrote a letter to U.S. District Judge William M. Skretny, asking him to show leniency for his friend. In his letter, Michalski described Gerace as a client and friend for nearly a decade.

After reading character letters from Michalski and others, Skretny gave Gerace a break, sentencing him to five months in prison when advisory sentencing guidelines suggested a prison term of eight to 12 months.

Less than three months after Michalski wrote the Gerace letter, then-Gov. George E. Pataki appointed Michalski as a judge on the State Court of Claims, although he was assigned to handle cases in State Supreme Court in Erie County. Former U.S. Rep. Thomas M. Reynolds had urged Pataki to make the appointment.

Police raid his home

Following the train incident, agents from the FBI and other agencies continued to investigate Michalski's friendship with Gerace, owner of the Pharaoh's Gentlemen's Club in Cheektowaga, according to two government sources with knowledge of the probe. The FBI and U.S. Attorney's Office have never publicly disclosed why they wanted to question the judge.

But on March 24, police from federal and state agencies executed a search warrant at Michalski's Amherst home looking for evidence of tax crimes, two government sources told The Buffalo News last week.

Judge Michalski's entire court caseload was transferred from him the day after the search, and officials of the State Office of Courts Administration said no further cases will be assigned to him "until further notice."

Lana confirmed that the police seized documents from the home relating to a small online business run by the judge's wife, Susan.

According to Lana, the warrants that allowed police to search the Michalski home gave no indication that investigators were looking in the home for any evidence relating to Gerace or his strip club.

Michalski has also been under investigation by the State Commission on Judicial Conduct, which reviews complaints of ethical misconduct by judges. It is investigating whether Gerace paid Michalski \$5,000 in cash for performing his wedding in 2014, despite a state law that bars judges from being paid more than \$100 for that duty, according to two government sources.

Mourned by friends

Attorney Michael A. Benson, who became friends with the judge while they were students at UB law school, said Tuesday he was “sick” over the news of the judge’s death.

“He was a wonderful friend with a heart of gold. He was a very caring friend,” said Benson, who was in the UB law school Class of 1987 with Michalski. “He was a real family man. He was the first guy to show pictures of his children when we got together. He carried those pictures with him all the time.”

In recent days, Benson, the judge and a third law school classmate had lunch together.

“John was upbeat and himself,” Benson said of the gathering.

Benson also described Michalski as the “funniest guy in our law class and he was also the hardest working member of our class.”

In recalling their friendship, Benson said that during one summer he worked with Michalski at landscaping.

“I only did it a couple of weeks and I couldn’t keep up with John. Nobody could keep up with him,” Benson said.

Michael S. Taheri, an attorney and spiritual adviser to Michalski, said the judge had turned to a weekly online Catholic prayer group for support when his situation became public last year.

“John was a regular member of the Rosary group of community members,” Taheri said. “John was an active participant. He certainly came prepared with prayers and petitions for friends and family and world events, such as the war in Ukraine.”

His career

Many of the 32 friends and colleagues of Michalski interviewed by The News in 2021 described him as a gregarious, caring and fun-loving man. Several friends used the words “life of the party” to sum up his persona.

“We have an annual golf tournament, and he’d have this multicolored sports jacket and he’d have the winner wear it, like the green sports jacket the winner wears at the Masters,” one of Michalski’s judicial colleagues recalled last year.

A graduate of Maryvale High School, Michalski grew up on George Urban Boulevard.

He continued his studies at SUNY Oswego, where he would meet his future wife, Susan, a Long Island native. They would marry after he graduated from UB law school in 1987.

Michalski’s first job as a lawyer was at the Erie County District Attorney’s Office, where he specialized in domestic violence prosecutions. He later went into private practice.

Working as a criminal defense attorney during the 1990s, he handled several cases involving violent, high-profile drug gangs.

For several years, Michalski also served as a prosecutor for Amherst, the town where he and his wife settled to raise their family.

At the same time, he boosted his public and political profile. Michalski served as president at two Buffalo organizations – the Advocates Club, a club made up of Polish American lawyers, and the Professional and Businessmen's Association.

In 2003, Michalski ran unsuccessfully on the Republican line for an Erie County Family Court judgeship. In 2005, he ran unsuccessfully for State Supreme Court judge.

Then he was appointed to the bench.

Besides his wife, the judge is survived by three daughters and a son.

By Charlie Specht

News Political Reporter

By Lou Michel

reporter

https://buffalonews.com/news/local/crime-and-courts/theres-no-excuse-for-what-i-did-teacher-sentenced-to-7-years-for-trafficking-marijuana/article_e789f11c-cbc1-11ec-8575-db7e35656b61.html

'There's no excuse for what I did': Teacher sentenced to 7 years for trafficking marijuana

Patrick Lakamp

May 4, 2022



Michael Masecchia, left, walks out of federal court accompanied by his lawyer, Patrick Brown, after being sentenced to 7 years in prison for trafficking marijuana.

Patrick Lakamp

Schoolteacher Michael Masecchia, a father figure to some students and widely admired by faculty colleagues, was sentenced to seven years in prison Wednesday for the felony side of his life they did not see: trafficking more than a ton of marijuana into Buffalo and its suburbs over 20 years.

A longtime teacher who taught English at Grover Cleveland High School, Masecchia admitted running a marijuana growing facility in rural Cattaraugus County and trafficking in pot beginning around 1999.

Buffalo teacher admits to illegal gun possession and selling marijuana

Masecchia, 56, of Williamsville, was one of several local men targeted in an ongoing federal investigation into suspected organized crime activities. He told law enforcement officials that he and others in the drug trade had help from a federal

agent, co-defendant Joseph Bongiovanni, according to his plea agreement. He said Bongiovanni helped him and other drug traffickers avoid arrest by providing “law enforcement-sensitive information,” including the names of potential cooperating witnesses.

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The U.S. Attorney's Office agreed to a reduced sentence for Masecchia because "he acknowledged that fact publicly," Assistant U.S. Attorney Joseph M. Tripi said at the sentencing hearing.

Bongiovanni, now retired from the U.S. Drug Enforcement Administration, has denied the allegations, including that he received \$250,000 in bribes from Masecchia and others to protect them.

Prosecution court papers include a copy of a 2013 email from an unidentified federal agent to Bongiovanni, stating that Masecchia is “an associate member and possibly a made member” of the Buffalo Mafia family. Masecchia made no admission of being a member of the mafia in his plea agreement.

Federal sentencing delayed for ailing schoolteacher who admitted to drug trafficking and gun crimes

Masecchia pleaded guilty in December 2020 to possession with intent to distribute marijuana and possession of firearms in furtherance of drug trafficking. His sentencing was put off last year after he was diagnosed with lymphoma and underwent chemotherapy treatment. He is currently checked every three months at Roswell Park Comprehensive Cancer Center for possible risk of recurrence.

The plea agreement between Masecchia and the U.S. Attorney's Office recommended a prison term of seven to eight years.

"I just want to say I stand here humiliated and embarrassed before my family and the court," Masecchia said. "There's no excuse for what I did."

Nineteen people – including three principals, eight teachers and four former students – wrote letters to U.S. District Judge John L. Sinatra Jr., asking for leniency.

Tripi acknowledged the letters of support on behalf of Masecchia, but added "there was another side to him – a criminal and drug dealer," that he hid from his former students and colleagues.

Feds tie former DEA agent to drug dealer and 'Italian Organized Crime'

If the case had gone to trial, his "criminal side" seen by drug dealers would have been publicly exposed, Tripi said.

Law enforcement officials said they conservatively estimated Masecchia trafficked at least 2,204 pounds of marijuana between 1999 and 2019.

"That's a lot of marijuana dealing over a long period of time," Tripi said.

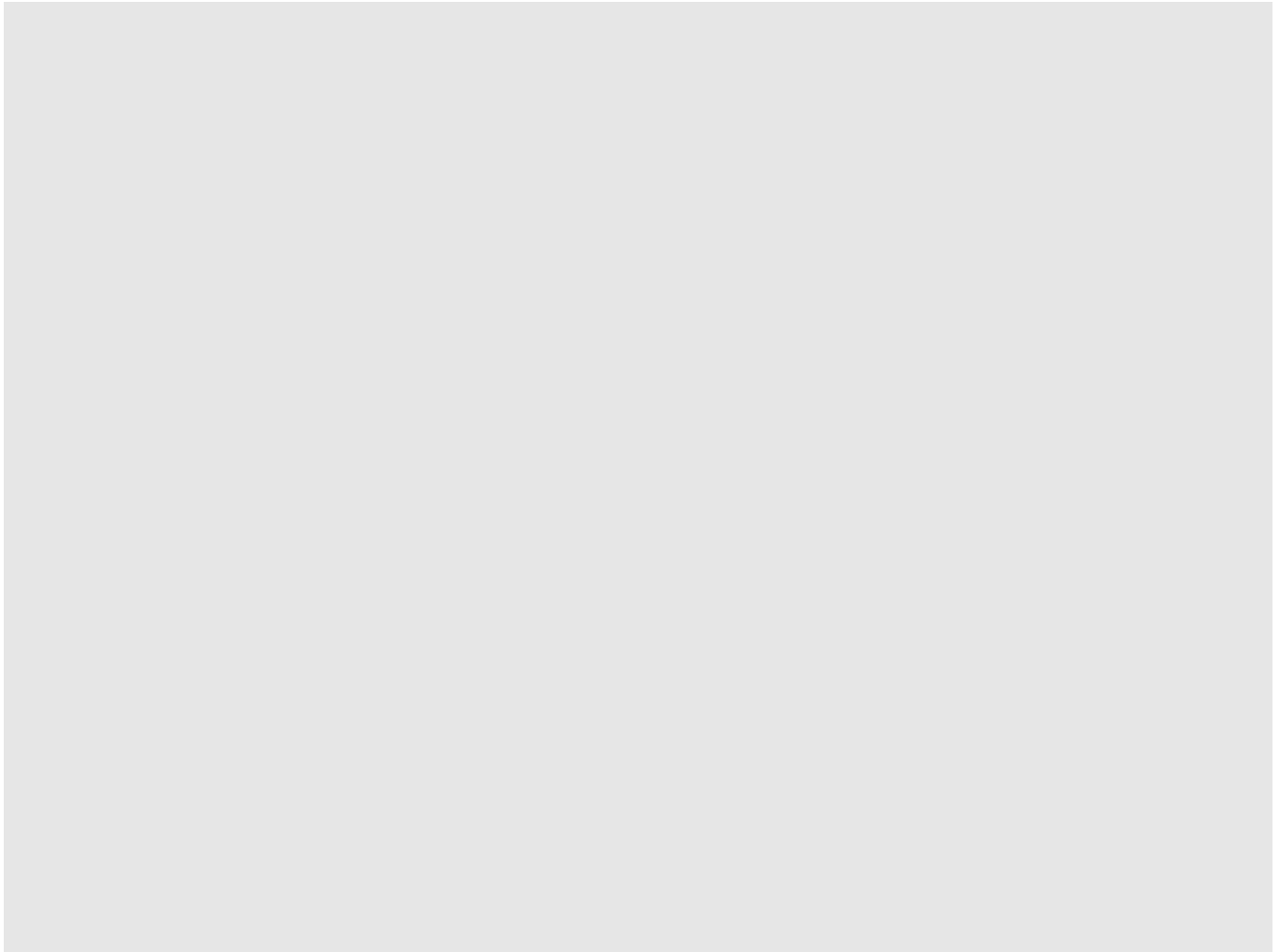
Former students and colleagues portrayed Masecchia as a kind and dedicated teacher who took time inside and outside the classroom looking out for students.

Ezana Kahsay, who came to the U.S. as a refugee, recalled how Masecchia mentored him, even inviting him into his home for "my first Super Bowl family party, which was one of the best days of my life."

Masecchia became his English teacher and soccer coach at Grover Cleveland when "I was just a 16-year-old, without any idea of how life was supposed to look for me. He also knew the love I had for soccer and made sure I attended a powerhouse for soccer in the country, a Division 1 university, the University of Akron, by raising money for the camp, hotel and food," Kahsay said. "On top of that, he drove me there personally, without hesitating. He took me to Akron because I've never been outside Buffalo and to show me support."

After Kahsay enrolled at the university, "when fall came, we packed my stuff and he took me to Akron because my mother couldn't take off work and leave my baby sister. I could go on all day and tell you how he impacted my life, but I would run out of paper."

Kahsay finished 2018 among active Division 1 leaders for career games played, 80.



Teacher Michael Masecchia, at center in black suit, jumps in the air with students from a graduating class at Grover Cleveland High School in Buffalo on June 23, 2000. In December 2020, Masecchia pleaded guilty in U.S. District Court in Buffalo to felony drug trafficking and weapons charges.

James P. McCoy/Buffalo News

So how did a teacher who mentored and helped students from disadvantaged backgrounds find himself standing before a judge facing a lengthy prison sentence?

"It is a question that Mike Masecchia asks himself on a daily basis," defense attorney Patrick J. Brown told Sinatra in court papers.

"Unfortunately, Mike, when he was much younger, began growing marijuana," Brown said in court papers. "As a young person doing this, he never fully appreciated the gravity of his conduct. He knew it was wrong, indeed, knew it was illegal, but did not understand the extent to which he was engaged in criminal activity. Over time, he thought little of the illegality of his conduct and continued to engage in this activity."

Buffalo teacher accused of illegal guns, explosives and selling pot

"It's not an excuse. It's not a defense," Brown told Sinatra at the sentencing hearing. "But it's an explanation of what happened."

"With his arrest, Mike has been forced to confront the reality that he has been ignoring for so many years," Brown said in court papers. "He has gone from being a respected parent, son and educator to being a convicted felon. He has spent a lifetime earning the respect and admiration of his wife, son, daughters, mother and colleagues. Now, when he looks into their eyes, he sees the disappointment."

During a search of Masecchia's Main Street home Aug. 23, 2019, investigators from Homeland Security Investigations, the FBI, Erie County Sheriff's Office and the Niagara County Sheriff's Office seized \$27,950, two rifles, five shotguns, a pistol, ammunition for the firearms, three Mason jars containing marijuana, various steroids in liquid and tablet form, hypodermic needles, THC edibles, cannabis syrup,

two grams of a white powder suspected to be cocaine, Tylenol with codeine tablets, suspected hashish, a digital scale, a suspected marijuana cigarette, numerous plastic bags and small bottles containing marijuana and four cellphones.

Brown called his client an avid hunter and outdoorsman, so he collected firearms for hunting purposes and was given more by friends and relatives. He kept the guns at a hunting camp until very shortly before his arrest, when he brought them to his residence, Brown said.

"It looks like an arsenal, but these guys were hunters," Brown said.

Masecchia, however, acknowledges that while the guns were at the hunting camp, where the marijuana was grown, they were available to him to protect his marijuana crop, Brown said.

Sinatra said Masecchia brought "a heightened danger to the community" by trafficking the marijuana. But he noted the letters sent in from educators who described Masecchia as a teacher and coach who inspired his students, brought in food for students from poor families, stuck up for students who were bullied and spent extra time after school to help refugee kids with their English language skills.

"That counts for something," Sinatra said.

But by engaging in criminal conduct, the judge said, "you let the students down by giving them a mixed message."

Sinatra allowed Masecchia to surrender to federal prison officials at a later date.

Sinatra said that he hoped Masecchia, after entering prison, would be the kind of positive influence to younger inmates as he was to his students in Buffalo.

By Patrick Lakamp

Enterprise Editor

https://buffalonews.com/news/local/crime-and-courts/judge-wont-dismiss-charges-against-ex-dea-agent-sees-no-anti-italian-american-bias/article_3a810cb4-18e5-11ed-a37f-bf3beb2ca644.html

Judge won't dismiss charges against ex-DEA agent, sees no anti-Italian American bias

Dan Herbeck

Aug 11, 2022



Retired Drug Enforcement Administration agent Joseph Bongiovanni drives a vintage car he restored. Bongiovanni was arrested in 2019 on felony charges that accuse him of accepting \$250,000 in bribes and using his position in the DEA to help Buffalo drug dealers, including some connected to organized crime, avoid arrest. His attorney says the feds have no evidence that Bongiovanni took bribes and that the classic car is Bongiovanni's "only uniquely prized possession."

Provided photo

Dan Herbeck

A federal judge has declined to dismiss criminal charges against former DEA Agent Joseph S. Bongiovanni, saying there is no evidence that the U.S. Justice Department targeted him because of his Italian American heritage.

Bongiovanni and his attorneys have submitted “no evidence” to prove that his 2019 arrest was “motivated by a discriminatory purpose,” U.S. Magistrate Judge Michael J. Roemer wrote in a ruling obtained Wednesday by The Buffalo News.

Roemer’s ruling is only a recommendation that now must be reviewed by District Judge John L. Sinatra Jr., who will ultimately decide the issue.

Bongiovanni, 57, is a retired U.S. Drug Enforcement Administration agent who faces felony charges that he took \$250,000 in bribes to protect local drug dealers whom he believed to be involved with “Italian Organized Crime” from prosecution.

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Bongiovanni denies taking any bribes or having Mafia connections. His lead defense attorney, James P. Harrington, has repeatedly accused prosecutors of targeting Bongiovanni for “selective prosecution” because he is Italian American.

“The government has noticed that all of the participants have Italian last names, and as such, has imagined the existence of an Italian American organized crime syndicate,” Harrington said in papers filed last year.

Is the mob back? Feds probe Buffalo Mafia after calling it all but dead

Harrington and co-counsel Jesse C. Pyle asked that the criminal case be dismissed because of selective prosecution based on ethnicity. They also alleged that agents who investigated Bongiovanni illegally seized and took information from his cellphone.

The U.S. Attorney's Office in Buffalo has denied the discrimination claims, noting that lead prosecutor Joseph M. Tripi is himself Italian American.

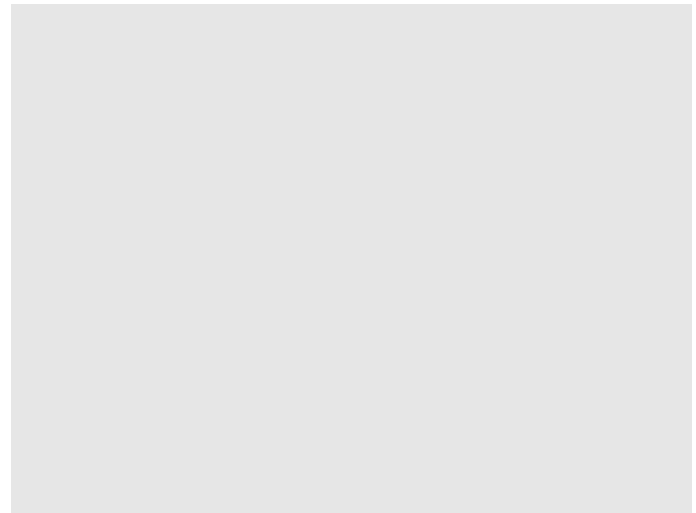
Roemer ruled against Bongiovanni on Aug. 4, saying "the standard to prove selective prosecution is a demanding one." Bongiovanni would have to show that "similarly situated individuals of a different race were not prosecuted," Roemer wrote.

Bongiovanni and his attorneys can continue to challenge prosecutors' claims of organized crime ties when the case goes to trial, the magistrate judge added.

“I’m disappointed with the ruling, but this battle is far from over,” Harrington told The News on Wednesday. “I still believe it was highly prejudicial and inappropriate for the government to make unfounded claims about Italian Organized Crime in this case in open court, in court papers and in press releases. We’ll continue to make our case with District Judge Sinatra.”

Peter Gerace Jr., owner of the Pharaoh's strip club in Cheektowaga, is accused of paying bribes to the former drug agent. A grand jury indicted the two men in February 2021.

Gerace's uncle, Joseph A. Todaro, has been accused by federal agents of being the leader of Buffalo’s Mafia family, but that has never been proven in court.

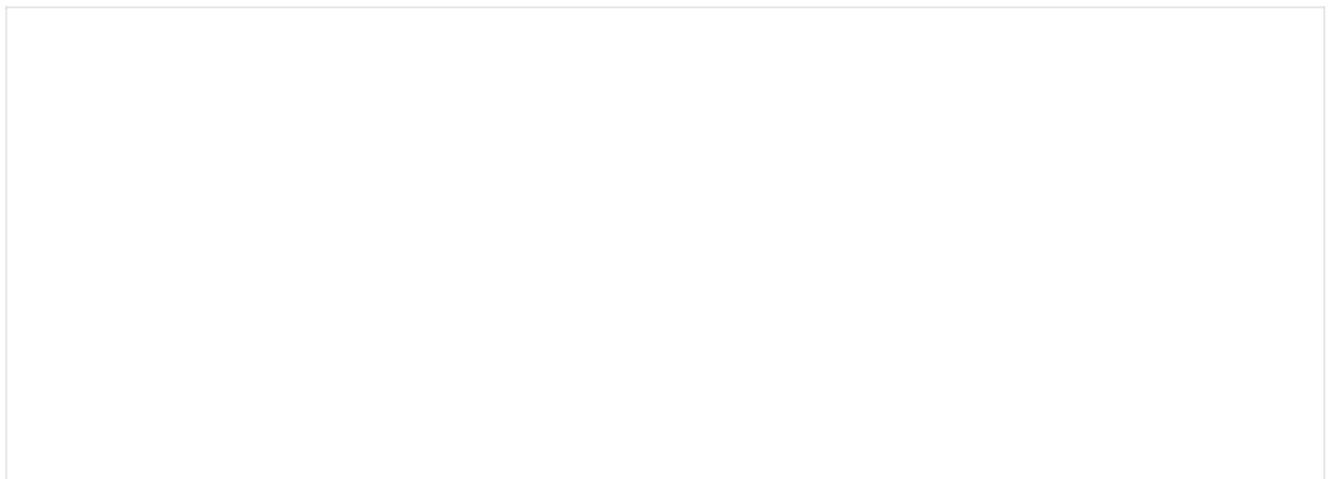


Peter G. Gerace Jr. will remain in custody until his August trial.

Photo courtesy of the Broward County Sheriff’s Office

Gerace has denied the bribery charges, as well as charges of drug trafficking and sex trafficking at his strip club.

Bongiovanni was arrested by federal agents in November 2019, five months after investigators used a no-knock search warrant and “flash-bang” devices during an early-morning raid at his Town of Tonawanda home.



Pharaoh's owner charged with bribing DEA agent as feds investigate Buffalo Mafia

According to court documents, some of the evidence used to indict Bongiovanni came from his cellphone, which was temporarily seized from him at a Baltimore airport in April 2019 as he and his family returned from a Dominican Republic vacation and passed through customs. Harrington argues that the seizure of the phone was illegal, and says any evidence taken from the phone should be thrown out of the prosecution's case.

Roemer said he finds that the seizure of the phone "violated Bongiovanni's constitutional rights" but also found that federal agents acted with a "good-faith belief" that their conduct was "lawful."

Roemer concluded in a "close call" that prosecutors should be allowed to continue using evidence from the seized phone.

Roemer also ruled against Gerace, who sought to suppress all evidence taken from his Clarence home, Pharaoh's and Gerace's seized cellphone during the investigation that led to his arrest.

Steven M. Cohen, Gerace's attorney, also contends that prosecutors acted improperly by bringing mob allegations into their case.

By Dan Herbeck

News reporter, Watchdog Team

https://buffalonews.com/news/local/trial-date-set-for-strip-club-owner-ex-dea-agent-in-organized-crime-case/article_430b4fe8-70ec-11ed-b0d4-bb0f6d5eb35b.html

Trial date set for strip club owner, ex-DEA agent in organized crime case

Lou Michel

Nov 30, 2022



Retired Drug Enforcement Administration agent Joseph Bongiovanni drives a vintage car he restored. Bongiovanni was arrested in 2019 on felony charges that accuse him of accepting \$250,000 in bribes and using his position in the DEA to help Buffalo drug dealers, including some connected to organized crime, avoid arrest. His attorney says the feds have no evidence that Bongiovanni took bribes and that the classic car is Bongiovanni's "only uniquely prized possession."

Provided photo

Lou Michel

A trial date for two key defendants in the federal government's years-long investigation into alleged organized crime in Buffalo has been set for June 21.

U.S. District Judge John L. Sinatra Jr. scheduled the jury trial for the first day of summer after defense attorneys repeatedly complained that they will need an extended amount of time to review the government's evidence that has yet to be

shared with them.

Pharaoh's strip club raid fuels reports of mafia links

Cheektowaga strip club owner Peter G. Gerace Jr., the nephew of a man prosecutors claim is the head of the Buffalo Mafia, was charged in February 2021 with paying some of the \$250,000 in bribes reportedly accepted by now **retired U.S. Drug Enforcement Administration Agent Joseph S. Bongiovanni**.

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- 2 **A final Bills 53-man roster projection ahead of cutdown day**
- 3 **Alan Pergament: In poignant play-by-play account, John Murphy reveals what happened to him**

4 **Mr. Sizzle's comes to Clarence**

Bongiovanni is accused of shielding Gerace and others he believed were connected to organized crime from the scrutiny of other drug investigators and coaching Gerace and others on what to say if they were questioned.

Gerace is the nephew of **Joseph A. Todaro**, whom federal agents and Tripi have identified in court and in reports as the head of the Buffalo Mafia. Todaro denies having anything to do with organized crime. He has not been charged in the government's investigation.

Is the mob back? Feds probe Buffalo Mafia after calling it all but dead

Gerace and Bongiovanni – childhood friends who have pleaded not guilty – sat at separate defense tables at Wednesday's court proceedings.

And while a trial date was set, Bongiovanni's attorney James P. Harrington successfully argued for more time to prepare a motion seeking a separate trial for his client. Harrington said some of the charges against Gerace have nothing to do with Bongiovanni.

In addition to the bribery charge, Gerace has been indicted on charges of conspiracy to defraud the United States; maintaining a drug involved premises; conspiracy to distribute controlled substances; and conspiracy to commit sex trafficking at **Pharaoh's Gentlemen's Club** on Aero Drive.

Judge won't dismiss charges against ex-DEA agent, sees no anti-Italian American bias

Bongiovanni is accused of accepting bribes from 2009 to 2019. He was arrested in October 2019. Other charges against him include two counts of conspiracy to defraud the United States; two counts of conspiracy to distribute controlled substances; seven

counts of obstruction of justice; and two counts of making false statements to a federal agency.

Assistant U.S. Attorney Joseph M. Tripi estimated it will take him six to eight weeks to present his case, given the number of people he intends to call as witnesses. The prosecution's witness list numbers about 100, but Tripi told the judge he is trying to shorten it.

Gerace's attorneys, Steven M. Cohen and Joseph M. LaTona, expressed concern that the government has yet to provide any meaningful evidence on which they can build a defense strategy.

"I have no evidence of a crime committed by Mr. Gerace. I don't have the names of a single witness. I am befuddled," Cohen said. "I've got to have the grand jury testimony to study it."

Cohen also argued that pre-trial home confinement restrictions on Gerace are unfair, disputing claims that he is dangerous.

"My client has been a prisoner in his own home with an ankle bracelet," Cohen said.



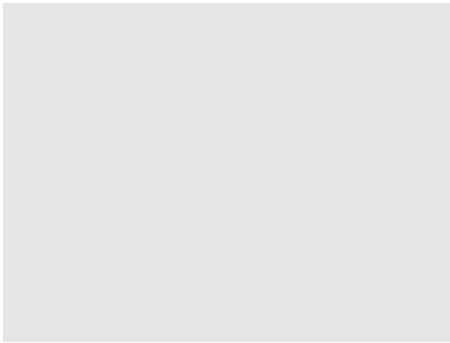
Read the full story from News Staff Reporters Lou Michel and Dan Herbeck

Ellen Przepasniak

Gerace, a Clarence resident, is allowed to leave his home from 7 a.m. to 11 a.m. to go to his club and conduct business.

Sinatra said Cohen should submit a motion to modify the conditions of Gerace's release.

Bongiovanni remains free on a \$250,000 bail bond.



Peter G. Gerace Jr. will remain in custody until his August trial.

Photo courtesy of the Broward County Sheriff's Office

By Lou Michel

reporter

https://buffalonews.com/news/local/crime-and-courts/who-is-joe-todaro-and-why-do-the-feds-say-this-pizzeria-owner-runs-the/article_c0f50a86-3855-11ed-a0e3-c32da0b6c34c.html

TOPICAL

Who is Joe Todaro and why do the feds say this pizzeria owner runs the Buffalo mob?

Lou Michel, Dan Herbeck
Dec 16, 2022

Standing over a boiling pot of pasta in the kitchen of his popular La Nova restaurant on Buffalo's West Side, Joseph A. Todaro dipped his manicured hand into the water and fished out a piece of pasta.

After squeezing the ziti to check on its progress, he shook the heat from his fingers.



Joseph A. Todaro at work in the family pizza and wings business that he and his family built. Todaro holds a pizza box at La Nova Pizza on West Ferry and Hampshire streets in Buffalo on Monday June 28, 2021.

Buffalo News file photo

Experience The Gelf
Purple Mattress Showro



For 65 years, Todaro and his father before him have run La Nova. Ten years ago, the restaurant's website said it employed 150 employees, brought in \$30 million a year and had more than 500 distributors nationwide. Since then, La Nova has continued to expand. It has become an official sponsor for the Buffalo Bills and Buffalo Sabres and sells its pizza at their home games.

A trade publication calls La Nova an industry leader.

But federal prosecutors say Joe Todaro is really something else: head of the Buffalo mob.

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- 2 Lancaster service dog deemed dangerous will spend rest of life at animal sanctuary**
- 3 Call it Delta s-s-s-Sonic: 5 pythons found in a month near Amherst car wash**
- 4 Savarino Companies goes out of business amid battle with state agency over Alfred project**

Prosecutors have asserted in documents or in court at least four times in the past three years that Todaro is the head of the Mafia in Buffalo.



Anthony Gerace and his brother, Peter G. Gerace Jr., in a family photo. The Geraces are the nephews of Joseph A. Todaro Jr., who federal law enforcement authorities have identified as the leader of the Buffalo Mafia.

Contributed photo

One of his nephews is behind bars, convicted of possessing guns while dealing drugs. A second, Peter Gerace Jr., is awaiting trial in connection with an ongoing federal “Italian Organized Crime” investigation, accused of paying bribes to a DEA agent to avoid arrest for drug dealing.

Joseph Todaro, Gerace’s uncle, “is the current boss of the Buffalo LCN family,” Homeland Security Investigations Agent Curtis Ryan wrote, using the abbreviation for La Cosa Nostra, in a 2019 report on the interrogation of the former DEA agent.

Todaro, 77, calls the accusations “nonsense.” He says he has no links to organized crime, despises illegal drugs for the ruin they cause and has disavowed his nephews. He describes himself as a hard worker who started in the pizza business when he was a boy working with his father, Joseph E. Todaro, who died in 2012.

Homeland Security interviews Joseph Bongiovanni about the Buffalo Mafia (p. 100)

BONGIOVANNI said you cannot penalize a person for growing up in the same circle, speaking about himself and [REDACTED].

[REDACTED] grandfather had something to do with the mafia. [REDACTED]'s uncle owns the pizza place (referring to LaNova Pizza). BONGIOVANNI was not close enough with [REDACTED] to know if [REDACTED] was involved with the mafia.

AGENT'S COMMENT: [REDACTED] grandfather was [REDACTED] now deceased, who was the boss of the Buffalo LCN family. [REDACTED] uncle, is the current boss of the Buffalo LCN family.

[View the entire document with DocumentCloud](#)

Attorney Robert L. Boreanaz – who has known the Todaro family since he was a boy when his late father represented Joseph A. Todaro – says Todaro has been unfairly persecuted because of his Italian ancestry.

“Throughout the '70s and '80s, the government had round-the-clock surveillance, wiretaps, full-time embedded informants, a specialized task force, all supervised by some very skilled and tenacious prosecutors,” said Boreanaz, who now represents Todaro.



A ticket to the 1967 stag party for Joseph A. Todaro that was raided by Buffalo police, the FBI and New York State Police. Police arrested 36 people at the party, but the charges of consorting with criminals were dismissed against all of them within a day.

Provided photo

“Since then and for the last 50 years, it’s been nothing but rumors, reports and stories fueled by an ugly stereotype of Italian Americans,” the attorney said.

Todaro has never been convicted of a crime.



Joseph A. Todaro left, and his father, Joseph E. Todaro, founder of La Nova Pizzeria. The elder Todaro died in 2012. Federal law enforcement authorities have alleged that both Todaros ran the Buffalo Mafia in recent decades.

Buffalo News file photo

So who is Joe Todaro and why do the feds claim he runs the Buffalo Mafia?

A wedding right out of the movies

The FBI has claimed in court documents that Todaro's father and, later, Todaro took control of the local Mafia at some point after longtime mob boss Stefano Magaddino, a Lewiston resident, died in 1974.

But for more than half a century, law enforcement has wielded its considerable power against Todaro and his father and failed. There were charges of conspiracy involving the misuse of union funds, cheating on taxes and consorting with known criminals. Town of Tonawanda police publicly called Todaro's father **"a person of interest" in a murder investigation** and a government witness **linked Todaro to an attempted murder** scene, but neither were ever charged.

The closest the government ever came to success against Todaro occurred in the 1990s when he gave up his union field representative post with Laborers Local 210. After federal agents began investigating suspected ties between union members and organized crime, the Laborers International Union of North America brought disciplinary charges against Todaro and other union members. **Todaro resigned from the Local**, rather than fight the charges.

The organized crime accusations against the Todoros go back decades, even before Magaddino's death.

In May 1967, just days before Joseph A. Todaro was to marry the former Carol A. Panaro, law enforcement officers raided his stag party and arrested him, his father and 34 other men. Authorities described it as "Little Apalachin," a reference to when Mafia chieftains met in 1957 in the upstate community, confirming there was a national organized crime network.

Those attending the West Side stag were charged with "consorting with known criminals." All counts were dismissed in Buffalo City Court later that day.

COOL
Intermittent rain today.
Mostly cloudy, cool, few
showers tonight tomorrow.
(COMPLETE REPORT ON PAGE 4)

BUFFALO EVENING NEWS
State
Complete News Coverage

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58 Pages—12 SECTIONS
12 PAGES TABLED—8 CENTS

36 Arrested in 'Little Apalachin' Raid

City Employees Ponder Amount Of Their Raises

Council Expected To Provide Increase Of \$750 Through Doubled Water Rates

City employees, confident the Common Council would take action late today to raise their pay, spent the day trying to estimate the amount of the raise.

The 11-member Democratic majority on the Council was re-elected by a 2-1 margin.

Mayor questions motives, attitudes of 2 GOP advisers.

Determined firemen picket in steady rain.

The 100% increase in water rates will yield an additional \$4 million in revenue and the \$4 million will be the source for a general pay raise for city workers on July 1, the date when the 1967-68 city budget becomes effective.

Passage of the ordinance amendment to hike the water rates seemed assured since the 11 Democrats on the Council are sponsors of the legislation. It would take 10 votes to pass the ordinance change.

GOP Would Trim Budget

In a statement this morning, the Council majority said that "the people of Buffalo face an unprecedented breakdown in essential and vital services" unless salary demands "are at least in part met."

It was a reference to threats of slowdowns and extensive

Clouds Obscure Eclipse

A heavy cloud cover over most of Western New York this morning obscured a partial eclipse of the sun.

The eclipse, with the new moon moving between the sun and the earth, lasted 48 minutes, from 9:21 AM to 10:19 AM.

Ernst E. Both, astronomy curator at the Buffalo Museum of Science, studied the eclipse with instruments in the museum's new solar observatory.

Kremlin Promises Massive Buildup Of Aid to Hanoi

Aircraft, New Rockets May Be Provided In Retaliation for 'U. S. Escalation'

By United Press International
LONDON, May 8—High Communist diplomats said today the Kremlin has decided upon a program of massive military aid to North Vietnam "to forestall an American success."

The diplomats said the decision followed a recent reappraisal of Soviet Vietnam policy in the light of what they termed "growing indications of threatening American escalation of the war."

U. S. Raids Wreck Major Mig Base Close to Hanoi

Fifth Air Attack In Two Weeks Leaves Hoa Lac 'No Longer Operable'

By the Associated Press
SAIGON, May 8—Five U. S. air attacks in two weeks have put the Hoa Lac Mig airbase, 20 miles west of Hanoi, out of action, the U. S. Command announced today.

A spokesman said there was no evidence of Mig activity on the field when nine flights of U. S. Air Force F-105 Thunderchiefs from Thailand plastered the field Monday for the fifth time since April 24.

"I would say the field at Hoa Lac is no longer operable," a U. S. spokesman said.

Air Force reports of Monday's raid said both ends of the hard-surface runway were pockmarked by 1000-pound bombs, the center of the runway was also blasted and the anti-aircraft sites and sandbagged Mig revetments heavily raked by shattering cluster bombs.

U. S. Flies 121 Missiles

There are four big Mig bases in the Hanoi-Haiphong area. In addition to the Hoa Lac base, the base at Kep has been hit twice, but the other two have not been attacked. U. S. planes flew 121 missions over North Vietnam Monday, and one Thunderchief was shot down, the spokesman said. The pilot was listed as missing. There was no indication whether the plane was lost during the raid on the

Wirtz to Explain Rail-Peace Plan To House Hearing

Will Try to Convince Skeptics in Congress That LBJ's Proposal Is a Sound Concept

By United Press International
WASHINGTON, May 9—Labor Secretary Wirtz today took the job of trying to convince a skeptical Congress that President Johnson's controversial railroad peace plan is a "new concept" in labor relations.

Mr. Wirtz was called as the leadoff witness as the House Commerce Committee opened hearings on Mr. Johnson's proposal to delay a threatened nationwide rail shutdown until 1969, through binding mediation, if necessary, Senate hearings begin tomorrow.

The White House, Mr. Wirtz and everyone else connected with the plan stoutly deny compulsory arbitration is involved.

Fear Seizure

But the six railroad shopcraft unions involved in the long-running dispute claim that it is, indeed, compulsory arbitration.

Spokesmen for the railroads, although complaining that the plan did not go far enough, have indicated they can live with it.

They fear alternative proposals for federal seizure of the railroads for the duration of the dispute.

Despite general agreement with the President that the economy and the Vietnam war effort could not stand a railroad shutdown, Congress is sharply divided about the plan.

Under its provisions, Congress

ALL FREED ON BAIL WITHIN TWO HOURS OF BEING CHARGED

Booked on Consorting With Criminals; 30 Lawmen Enter Restaurant During 'Bachelor Party'

A Buffalo bachelor party ended early today with the arrest of 36 persons, including seven who have been linked to the Cosa Nostra crime syndicate.

Police called it a "little Apalachin meeting"—a reference to a November 1957 raid on an alleged Mafia crime convention at Apalachin, N. Y.

The party in Panaro's Lounge, 219 Hampshire St., was reportedly to honor Joseph Todaro, 43, of 56 Josephine Dr., Town of Tonawanda, restaurant operator, who will be married soon.

It was to have been a chicken and roast beef affair for 300.

All Free on Bail

Police said they nabbed several persons in a downstairs liquor storage room nearly two hours after they walked in at 10:15 PM Monday.

Captain Kenneth P. Kennedy, head of the police Bureau of Vice Enforcement, said: "The big boys were downstairs."

The 36 arrested were free on bail within two hours after being charged with consorting with known criminals. They were arraigned this morning in City Court.

The raiding party of 30 included Buffalo police, FBI agents, State Police, and district attorney's office investigators.

Capt. Kenneth P. Kennedy, head of Buffalo's Vice Enforcement Bureau, led the raid. He said each of the 36 has a police record and this was used as a

quint and was closed to usual public trade. However, Capt. Kennedy said no search warrant was needed for the raid. Officers walked in through the open front door.

Following is a list of the men, as they were booked, in addition to Todaro and Rizzo:

Roy Carlini, 38, of 28 Anderson Pl., who said he is in the seafood business and reportedly attended the Apalachin "crime convention" in November 1957.

James V. LaDuca, 35, of 3114 Dana Dr., Lewiston, also an Apalachin guest. Police said he is a non-in-law of Stefano Magaddino, reputed to be the Western New York Cosa Nostra boss and was representing him at the affair.

Labeled by Senate

Fredrico G. Randaccio, 39, of 322 Richmond Ave., whom police identified as an "under boss" in Western New York. He was labeled by the U. S. Senate racketeering investigation committee as a leading Cosa Nostra figure.

He was also one of six area residents subpoenaed before a



The front page of the Buffalo Evening News on May 9, 1967, had a story about 36 people being arrested when Buffalo police, the FBI and state police raided a stag party for Joseph A. Todaro.

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BUFFALO EVENING NEWS SOUTH EDITION
Metro
Complete News Coverage

Vol. CLXXIV—No. 25 5 BUFFALO, N. Y., TUESDAY, MAY 9, 1967 58 Pages— 3 SECTIONS 12 PAGE TABLET —8 Cents

Charges Dismissed for All 36 in Raid

City Employees Ponder Amount Of Their Raises

Council Expected To Provide Increase Of \$750 Through Doubled Water Rates

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Lunar Landing Still Possible By U. S. in 1970

First Apollo Mission Set Back One Year By Tragic Blaze, NASA Tells Senate Unit

By United Press International
WASHINGTON, May 9 — The Space Agency today disclosed new schedules for manned space flight calling for the first

U. S. Raids Wreck Major Mig Base Close to Hanoi

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U. S. Flies 121 Missions
There are four big Mig bases

It Takes Off and Lands Like a Helicopter



CASE INSUFFICIENT, CITY JUDGE RULES; 2 HELD ON ASSAULT

Men Were Arrested at Bachelor Party Termed a 'Little Apalachin'; 300 in Restaurant

Consorting-with-criminal charges against 36 persons, including seven men identified with the Cosa Nostra crime syndicate, were dismissed today in City Court.

The dismissal was followed by a corridor brawl in which one man was rearrested and a photographer was kicked.

The 36 men were arrested early today as they attended a roast beef and chicken dinner billed as a bachelor party for a soon-to-be bridegroom.

The raid was conducted by FBI agents, State Police, Buffalo police, and district attorney's officers, at Panaro's Lounge, 219 Hampshire St., where 300 had gathered to honor Joseph Todaro, 43, of 95 Josephine Dr., Town of Tonawanda, a restaurant operator.

Swings at Amico
City Judge James B. Kane Jr. dismissed the charges after seven defense lawyers challenged the sufficiency of the information contained in the charges.

The charges said each of

STAG
JOE TODARO
MAY 9, 1967 7:30 P.M.
INVITATION TO THE STAG
were transported from the arrest scene.
Attorneys Appear
Attorneys representing the suspects appeared in the corridors as the men were being booked but were excluded from the detectives' office until after all arrest information had cleared.

The Buffalo Evening News' later editions on May 9, 1967, noted that charges of consorting with known criminals were dropped against 36 people arrested at Joseph A. Todaro's stag party.

In 1970, Todaro and his father were among five people charged with running illegal gambling junkets to Las Vegas on jets they rented. The FBI dubbed the operation "Flying Fleece," accusing the five of running mid-air dice and card games. But the aerial gambling case ended in no convictions.

In 1976, Faust A. Novino shot his way out of an attempt to kill him in a Connecticut Street building. The shooting wounded John Sacco, an underworld figure who famously told police arriving at the scene, "Nobody shot me," as he lay bleeding from bullet wounds. Breaking years of silence, Novino testified at a 1993 federal perjury trial that **a man who "looked like Joe Todaro Jr."** was present at the ambush.

Then-Assistant U.S. Attorney Anthony M. Bruce won a perjury conviction against one of the accused ambushers. But while Bruce managed to introduce the possibility that Todaro may have been present at the attempted murder, Todaro was not charged. His lawyer, the late Harold J. Boreanaz, said Todaro had nothing to do with the ambush.

In 1982, father and son Todaro were charged with income tax evasion. The case ended in their acquittals. But Bruce, who prosecuted the case, said the investigation revealed interesting details of how Todaro and other business partners hoped to position themselves as Florida considered legalizing gambling in the 1970s.

Bruce said Todaro, his father and four others bought the Golden Strand hotel in North Miami Beach for less than \$3 million, but the investment soured when the push to legalize gambling languished. Then around 1980, Bruce said, they sold the beachfront hotel to German investors for \$9 million.

“I know Joe Sr. pocketed a million dollars and Joe Jr. pocketed close to \$600,000 or \$700,000,” Bruce asserted. “They had all this money in their pocket, and the theory was, why did they need to go out and break heads? The mob is all about making money, and they had their money.”



Former prosecutor Anthony Bruce in his Clarence office on Thursday, July 29, 2021.

Buffalo News file photo

The last time prosecutors charged Todaro with anything was 1983 – 39 years ago. Todaro and other officials at Laborers Local 210 were charged with conspiracy and embezzlement, accused of using union funds to pay for a winter trip to Florida. The defendants said they were attending the winter meeting of Laborers International, according to Bruce, who prosecuted that case, as well. Boreanaz, whose father was one of the defense lawyers in the case, said U.S. District Judge John T. Elfvin dismissed the charges after the prosecution presented its case.



Joseph A. Todaro, owner of popular pizzeria La Nova, is no stranger to accusations of running the Buffalo mob. For more than 50 years, he and his late father, Joseph E. Todaro, have been accused by the FBI and federal prosecutors of crimes linked to local mob activity. And dating back to the 1960s, Joseph A. Todaro and his father have been the subjects of numerous stories in WNY newspapers documenting various cases against them.

A walk in the ocean

The most colorful story about Todaro never made it to court.

On a YouTube video in February 2021, Salvatore “Sammy the Bull” Gravano, a notorious mob hitman, talked about a 1985 trip to Florida to meet with the Todaros.

After becoming a government witness in 1991, Gravano admitted to participating in 19 murders.

This is Gravano's account: After the 1985 murder of Paul Castellano – who had been the head of the five Mafia families in New York City – John Gotti requested that Gravano meet with Todaro's father. Gotti had heard Todaro's father planned to kill Gotti in revenge for the killing of Castellano. Gravano said that after he met with Joseph E. Todaro and discussed their differences, the father asked Gravano to also meet with his son.

But there was a catch. The younger Todaro insisted they drive to the ocean and wade into the water before talking, according to Gravano, who speculated that Todaro feared their conversation might be recorded.

"I had good shoes, Italian made shoes, a good pair of slacks and an Italian knit shirt," Gravano said in the YouTube podcast, adding that Todaro was dressed in a shirt, Bermuda shorts and sandals.

"By this time we're in the water, up to my ankles. I'm saying to myself this guy is ... nuts. We're walking in the ocean now. He's worried about a bug? My shoes are on, my socks are on, my pants are ... soaking wet, everything is wet and we're still walking," Gravano said.

Gravano said he repeated a pointed message he had already delivered to Todaro's father: Gotti wasn't worried about a newspaper report that Todaro was planning to kill him over the Castellano murder. Gotti had enough soldiers to kill anyone he viewed as a threat.

"I brought it to his attention too, we have 100 shooters. His face, his lips puckered up a little. He nodded. He seemed to be a little impressed with that number," Gravano said.

When the water was nearly up to his chest, the diminutive Gravano said he became concerned he might drown.

“I couldn’t help myself. I said Joe, ‘I’m soaking ... wet.’ My wallet, my money was in my pocket. ‘How ... far out are we going to walk? This don’t even make sense, bro. I’m a little guy. I’m ... five-foot nothing. We keep going, I’m going to drown. I wonder what John Gotti is gonna say about that?’

“ ‘Oh, you’ll be alright Sammy. We’ll get everything tailored and fixed for you. Don’t worry about it.’ I’m not worried about it, really. I just think it’s strange. We talked a little while longer and came back out. I never experienced anything like that in my life,” Gravano said.

"We Have 100 Shooters... If We Believed That, You'd Be Dea...



Todaro told The News he never met with Gravano.

The Buffalo News made several attempts to reach Gravano for a comment on Todaro’s claim, but he did not respond.

‘People would go to jail for him’

Given their failure over the decades to convict Todaro – and the fact that he hasn’t been charged with anything in 39 years – why do federal prosecutors assert Todaro heads the Buffalo’s Mafia?

The U.S. Attorney's Office repeatedly refused to discuss its ongoing Buffalo organized crime investigation, and the court filings that name Todaro don't provide the answer.

Just five years ago, an FBI leader had pronounced **organized crime in Buffalo as all but dead**. In 2017, Adam S. Cohen, then the special agent in charge of the FBI's Buffalo office, said that while former Mafia figures were still around, "... their organized crime activities don't exist anymore."

Current federal prosecutors and agents have a different take.

The ongoing federal investigation into organized crime has already resulted in prison terms for Todaro's nephew Anthony Gerace for possessing weapons while dealing drugs and for Buffalo high school teacher Michael Masecchia, whom authorities called a Mafia associate, for selling more than a ton of marijuana and possessing weapons. Still awaiting sentencing is Joseph Bella, a business owner identified by prosecutors as an organized crime associate, who has pleaded guilty to possessing cocaine and a firearm. Awaiting trial are Todaro's other nephew, Peter Gerace Jr., and former DEA Agent Joseph Bongiovanni, who is accused of accepting \$250,000 in bribes from Masecchia, Peter Gerace and others who prosecutors say he believed were associated with Italian organized crime.

[Prosecutor refers to Joseph A. Todaro as the reputed head of the Buffalo Mafia \(p. 22\)](#)

Attorney's Office in 2005. Mr. Gerace is also a relative of the reputed head of the Buffalo mafia family. So another

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Across the border

At about the same time Cohen declared the local Mafia all but deceased, mob investigators in Canada took a different position.

In 2017, Canadian authorities said a Hamilton drug trafficker named Domenico Violi was appointed by Todaro as the "underboss" of the Buffalo mob family.

Todaro has denied that claim, but retired Canadian mob investigator Stephen Metelsky told The News the report is “authentic.”

Metelsky, who retired in 2017 as an investigator for the Halton Regional Police, outside Toronto, was part of a task force that investigated ties between Canadian mob organizations and crime families in New York City and Buffalo.

Metelsky said Violi boasted of his appointment to the Buffalo post to a New York City mobster who was a paid, confidential agent for police.

Metelsky said Todaro and other suspected mobsters in Buffalo are extremely careful and have been in “turtle mode” for many years.



Is the mob back? Feds probe Buffalo Mafia after calling it all but dead

Is it too late?

Some veterans of the late 20th century investigations into Buffalo organized crime think it is too late to go after claims of mob leadership.

“I’m not putting fellow agents down, and this is my personal opinion,” said Andrew “Andy” Goralski, a retired FBI agent who investigated organized crime in the 1990s. “At the time, the FBI missed a chance to go after the upper level, and why is a

reasonable question to ask.”

Goralski said he and a fellow agent would stop by the West Side La Nova monthly for “a slice” and to let Todaro know he was on their radar.

“Joe Jr. was always very, very cautious of what was going on at the business because he was concerned about forfeiture,” Goralski said, referring to the prosecutors’ practice of seizing assets. “We never saw a member in there, except one day, there was a street boss. They were right in the dining area, and Joe Jr.’s jaw just dropped. They were talking but we couldn’t hear.”

Bruce, the prosecutor, said the government worked hard to try to prove the Todaros were involved in organized crime.

“It wasn’t from any lack of due diligence from any law enforcement agencies, but nothing was coming up on these guys,” Bruce said.

Peter Ahearn, the special agent in charge of the FBI’s Buffalo office after suspected mob-connected people left Local 210, said the bureau continued to take meaningful actions.

“We were targeting members of the group under the Todaros to see if we could go up the chain. We prosecuted several underlings of the family,” Ahearn said, but added that they could not come up with evidence to make a broader racketeering case that showed suspected leaders were directing criminal activity.

Ronald M. Fino, who was an informant against the Buffalo mob in the 1990s, said he doesn’t believe the current investigation will produce charges against Todaro.



Ronald Fino, who was an FBI informant against the Buffalo Mafia in the 1990s and is shown in a Sept. 7, 2012, file photo, said he doesn't believe the current organized investigation will produce charges against Joseph Todaro.

Derek Gee/Buffalo News

"They are shielded by others," said Fino, who had Todaro as a groomsman at his 1970 wedding. "They have a long line. You have to go after their shields and have them cooperate, and that is expensive."

Said Fino: "There are people who would go to jail for him."



La Nova Pizza and Wings, 371 W. Ferry St., has been run by the Todaro family since 1957.

Buffalo News file photo

Todaro's pizza empire

Whatever Todaro may be, his restaurant appears to be a success. Todaro says that his father gave up work as a carpenter in 1957 to open the first La Nova pizzeria at Seymour and Niagara streets in the City of Tonawanda. When urban renewal decimated Tonawanda's downtown in the 1960s, the restaurant moved to Buffalo, settling at the corner of West Ferry and Hampshire streets, where it remains.

At 12 years old, the son started working at the restaurant. Over the years, La Nova opened a second restaurant in Amherst. It became the official pizza sold at Buffalo Bisons, Buffalo Bills and Buffalo Sabres games, according to its website. La Nova Wings, based in Cheektowaga, started selling chicken wings and wing sauces to

restaurants around the country, and La Nova started shipping pizza and wings to its out-of-state customers, according to Todaro and information on the company's website.

"When we moved from Tonawanda, we were selling maybe 10 or 11 pizzas a day," Todaro said as he took a News reporter on a tour of the West Side restaurant. Prosperity, he said, came when "we introduced the white pizza and barbecued chicken wings."

By the fall of 1998, the Todaros were featured on the front page of Pizza Marketing Quarterly, a trade magazine, with a headline stating: "America's Busiest Pizzeria: How they do \$100,000 per week."

Todaro and Robert Boreanaz wouldn't provide current sales or employment figures.



When then-Food Network celebrity chef Alton Brown and his wife, Elizabeth Ingram-Brown, stopped at La Nova Pizzeria on West Ferry Street in Buffalo on April 4, 2022, owner Joseph A. Todaro checked to make sure Brown was happy with the chicken wings. After tasting wings at a handful of Buffalo spots, Brown declared La Nova's medium wing his favorite.

Buffalo News file photo

Walking through La Nova, Todaro stopped and asked workers how long they have worked there. Many said 10, 15 and 20 years. A few workers approached him and asked if they could borrow \$20 until payday. He handed them the cash and accepted IOUs written on scraps of paper.

A practicing Catholic, Todaro says that for 45 years he has hosted a St. Joseph's table on the saint's feast day during Lent that is free and open to anyone.

After the May racist shootings that **took the lives of 10 Black people** at the Tops Markets on Jefferson Avenue, La Nova provided more than 100 sheet pizzas to the affected community, according to Todaro's attorney.

Todaro lives in a 4,100-square-foot Amherst home with four bedrooms, five bathrooms and two fireplaces. Situated on nearly an acre of land with a pool and pool house, the house is assessed by Amherst town records at \$595,000.

Friends in high places

Former Buffalo Mayor Anthony M. Masiello says he has known Todaro about 40 years and has nothing but respect and admiration for him.

"He never forgot where he came from, his West Side roots. He invested in the old neighborhood when nobody wanted a part of it," Masiello said.

He added: "He is an innovative genius when it comes to food. Look what he pioneered, different flavored chicken wings and pizzas that had different kinds of crust and toppings. He's done very well, and he shares his largess with community organizations and he hires a lot of people from the neighborhood who, without La Nova, wouldn't have jobs."

Of the government's claims that Todaro heads local organized crime, Masiello said, "I don't know anything about that, and I don't believe it."

Like many businesspeople, Todaro donates to political campaigns. La Nova Pizzeria and La Nova Wings have donated \$3,300 to Mayor Byron W. Brown's campaigns. Brown spokesman Michael J. DeGeorge declined to comment.

One of those donations to Brown, a \$500 contribution made in 2017, was made the same year federal prosecutors in New York City issued a press release that mentioned the "**Todaro organized crime family**" in connection with drug-trafficking mobsters downstate and in Canada.

Buffalo developer Carl P. Paladino, who unsuccessfully ran for Congress this year, is a longtime friend of the Todaros. He is vocal about his friend.

"There's no mob in Buffalo, and I know everybody. It's all a fantasy," Paladino said. "Joe Todaro makes a great pizza. He's a wonderful friend and he is well-respected in the community because of his charitable works."

By Lou Michel
reporter

By Dan Herbeck
News reporter, Watchdog Team

https://buffalonews.com/news/local/crime-and-courts/a-tough-as-nails-prosecutor-takes-on-mob-allegations-and-criticism-for-the-case/article_ffccc8de-39f9-11ed-860a-cbe21beb4db9.html

A 'tough-as-nails' prosecutor takes on mob allegations – and criticism for the case



Assistant U.S. Attorney Joseph M. Tripi speaks during a news conference about the conviction of Deandre Wilson of multiple charges for his role in a triple homicide on Nov. 3, 2022.

Derek Gee/Buffalo News

Dan Herbeck , Lou Michel

Joseph M. Tripi has successfully prosecuted more than 100 killers, kidnappers and drug dealers who terrorized neighborhoods in Buffalo's West and East sides.



After two members of the Kingsmen biker gang were assassinated in North Tonawanda in 2014, he led the prosecutions that resulted in felony convictions against 20 **Kingsmen**, including the national president who ordered the murders and the hit man who pulled the trigger.

When a **gunman murdered 10 Black people** in a mass shooting at a Tops supermarket in Buffalo in May, his superiors picked Tripi to serve as lead prosecutor of the suspect, Payton Gendron.

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In November, he prosecuted a **Buffalo drug dealer** who was convicted of brutally murdering three people, including a man and woman shot in front of their 3-year-old son.

And as a federal prosecutor, Tripi also helped to exonerate a Buffalo man who had spent 10 years in prison for two murders he didn't commit.

Now, the 44-year-old assistant U.S. attorney faces criticism for an ongoing investigation he is leading into the Buffalo Mafia.

Who is Joe Todaro and why do the feds say this pizzeria owner runs the Buffalo mob?

Some local defense attorneys and Italian American organizations say they are outraged over Tripi's repeated references to "Italian organized crime" in court and legal papers, including an indictment.

The prosecutor referred to "IOC" connections while making allegations against a former DEA agent charged with taking bribes from drug dealers he believed were involved in Italian organized crime; a Cheektowaga strip club owner accused of paying bribes, drug-trafficking and sex-trafficking; and two defendants who have pleaded guilty to drug crimes, including a former Buffalo schoolteacher and the owner of a Buffalo medical staffing business.

Those defendants – Joseph Bongiovanni, Peter Gerace Jr., Michael Masecchia and Joseph C. Bella III – are Italian Americans, as is Tripi himself.

Tripi and federal agents have also identified Joseph A. Todaro, the owner of La Nova Pizza, in court and legal papers as the head of the Buffalo Mafia, although Todaro has not been charged as part of the case. Todaro has denied he is involved in organized crime.

Defense attorneys for Bongiovanni accused Tripi and his office of pursuing the case with a bias against Italian Americans.

In August, U.S. Magistrate Judge Michael J. Roemer said he has found "no evidence" that the investigation is "motivated by a discriminatory purpose." He turned down a request from the defense to throw out the criminal cases against Bongiovanni and Gerace. U.S. District Judge John L. Sinatra Jr. agreed with Roemer in a Nov. 22 ruling.

The case has outraged some leaders of the local Italian American community.

"We hate the term 'Italian organized crime.' It's highly offensive and perpetuates an unfair stereotype," said Peter R. LoJacono, president of the Federation of Italian-American Societies of Western New York. "We're offended that it's being used in court, and by the media. Does the prosecutor use references like that toward any other ethnic group? Does he talk about Polish organized crime, or Black organized crime, or Jewish or Puerto Rican organized crime? Why are we singled out in this way?"

One of Gerace's attorneys, Joseph M. LaTona, recently asked federal judges to strike "Italian organized crime" references from all of Tripi's court documents.

"Just because you have charges against men with vowels in their names, that doesn't make it an 'Italian organized crime' organization," said Bella's attorney, Thomas J. Eoannou.

In his Nov. 22 ruling, Sinatra also rejected the defense attorneys' request to strike "Italian organized crime" from the indictment.

Tripi, a federal prosecutor since 2008 and former chief of the Narcotics and Organized Crime Section at the U.S. Attorney's office in Buffalo, declined to comment on the Buffalo Mafia investigation or the Italian organized crime controversy.

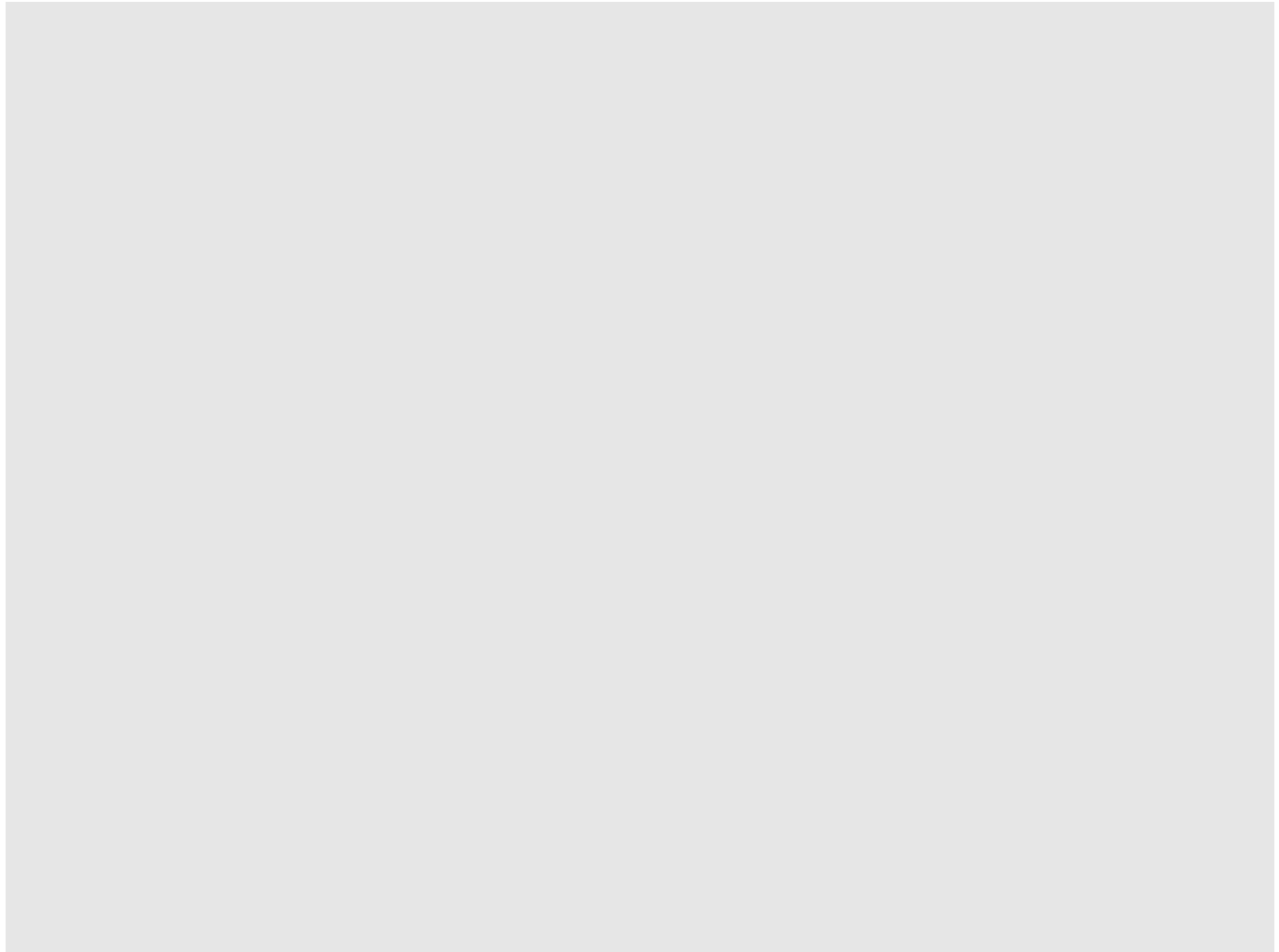
Tripi told The News he has never targeted Italian Americans or any other ethnic group.

"As prosecutors, we follow the facts and go where the evidence leads us," Tripi said.

In court papers, Tripi noted the government has evidence that Bongiovanni took bribes from Gerace and others because he believed they were associated with Italian organized crime.

"It is of no consequence in this case whether defendant Gerace or others were, in fact, members or associates of IOC – and the government will not argue that defendant Gerace or others were, in fact, members or associates of IOC."

U.S. Attorney Trini E. Ross declined to discuss the IOC controversy with The News. Her predecessor, James P. Kennedy, defended Tripi and the investigation before Ross succeeded him in late 2021.



Assistant U.S. Attorney Joseph M. Tripi, photographed following a news conference on Nov. 2, 2022.

Derek Gee/Buffalo News

“Joe is an Italian American. He has no prejudice toward Italian Americans or any racial or ethnic group,” said Kennedy. “Joe’s only prejudice is against criminals who hurt people and neighborhoods. Joe is a tough-as-nails prosecutor who cares about his family, his country, his community and the law.”

The News asked Tripi if the heat generated by the case has caused him to regret using the phrase "Italian organized crime."

"Not going to comment," he said.

Showing courage

Former U.S. Attorney Terrance P. Flynn said he still remembers sitting across a desk from Tripi shortly before hiring him more than 14 years ago.

“He was a very earnest guy, a job applicant with no political connections, from a humble background, but you could see a quiet confidence in him,” Flynn recalled. “He told me he wanted to come home and dismantle criminal organizations in his own hometown.

“We put him on violent crimes right away, absolutely some of the toughest cases in the office. He’s done an amazing job. I consider hiring Joe one of the proudest accomplishments of my tenure as the U.S. Attorney.”

Tripi, a short, muscular man who played high school football and hockey, grew up in North Buffalo and the Town of Tonawanda. He graduated from St. Joseph’s Collegiate Institute and Canisius College before going to UB Law School.

He spent five years prosecuting arson, vehicular homicide and violent crime cases in Nassau County before becoming homesick and moving back to Buffalo in search of a new job, Tripi said.

He has received two national awards for his prosecutions of violent drug gangs in Buffalo. One of the awards came from the FBI and was personally presented to Tripi by then-FBI Director Robert Mueller in 2011. The other award came from the Justice Department in 2017.

“For any prosecutor to get two awards of that stature during his career is very impressive,” said Kathleen Mehlretter, a former acting U.S. Attorney who supervised Tripi for several years.

Doing the right thing

Buffalo defense lawyer Jeremy D. Schwartz said he has had two memorable encounters that left him with great respect for Tripi.

In 2013, federal agents gave Tripi evidence that could exonerate Josue Ortiz, who was serving a 25-year prison term in the murders of two Buffalo brothers in a 2004 shooting.

Ortiz, who had a history of mental illness, had repeatedly confessed to the slayings, but investigators determined that other criminals killed the two brothers. At Tripi's urging, Ortiz, 33, was released from prison by a judge in late 2014.

While Tripi was not the only person involved in freeing Ortiz, Schwartz said he was "very impressed" with the integrity Tripi showed.

It was not Schwartz's first notable situation involving Tripi.

Tripi in 2011 testified at a hearing about Thamud Eldridge, a Buffalo man who had been convicted in 2009 of felony gun and drug charges and was serving eight years in federal prison.

Tripi testified that he had overheard a police officer boasting in a bar that he and another officer in 2005 used excessive force against Eldridge, forcing him head-first down a flight of stairs and stomping him.

Tripi testified that the remark made him "sick to my stomach" and caused him to report the conversation to his superiors, who, in turn reported it to District Judge Richard J. Arcara.

That information prompted Schwartz to ask Arcara to throw out Eldridge's 2009 conviction.

Ultimately, Arcara allowed Eldridge's conviction to stand, saying the officer was "extremely intoxicated" when he made his remark and there was insufficient proof that Eldridge was ever brutalized.

Schwartz said the incident upset some police officers and showed "courage and integrity" on Tripi's part.

"I'm not saying that no other prosecutor would have done what Joe Tripi did, but it's the only time I have seen something like that," said Schwartz, a defense attorney for 16 years.

Schwartz said the incident especially impressed him because Tripi – at Eldridge’s 2009 trial – had fought passionately to convict him.

Asked about those two cases, Tripi said the ethical decisions were clear-cut for him.

"It's simple. You've got to do the right thing in situations like that ... If you don't, you have no business working as a federal prosecutor," Tripi said.

An advocate for victims

Barbara and Sigmund Szymanski of Amherst said they will never forget Tripi’s efforts to get justice after the 2014 slaying of their son, “DJ,” outside a Kingsmen Motorcycle Club clubhouse.

“My daughter Kristen and I were there every single day of the trial. I cannot say enough about Joe,” Barbara Szymanski told The News. “He put his entire heart and soul into the case. Not only that, but he went out of his way to show he cared about our family. He didn’t act like our son was a piece of dirt. Joe would see me crying in the courtroom, and come over and tell me, ‘Hang in there.’ He always made time for us.”

“Nothing but respect for Joe,” said Barry N. Covert, one of the defense lawyers who fought Tripi for more than four months in the Kingsmen murder case. “It was a very intense trial. We went after each other every single day like rock ’em, sock ’em robots. He never backed down, and the defense didn’t, either. Joe is an extremely zealous, hard-charging advocate, but a man of integrity ... certainly one of the best prosecutors I’ve ever seen.”

‘He’s just doing his job’

No trial dates have been set in the Bongiovanni or Peter Gerace cases.

While defense attorneys continue to criticize Tripi’s mentions of Italian organized crime and the Mafia, one person who does not appear to be upset is Todaro, the owner of La Nova Pizza.

Federal prosecutors have tried – without success – for decades to prove that Todaro runs the Buffalo Mafia. Todaro's nephews, Gerace and his brother, Anthony Gerace, are among those Tripi has prosecuted.

Todaro told The News he doesn't know Tripi and has no idea what motivates him, but he called the mob allegations against his family “nonsense.”

As for Tripi's allegations about “Italian organized crime,” Todaro said: “He's just doing his job.”

This is the second in a two-part series: For decades, law enforcement has said Joe Todaro runs the Buffalo mob. But the La Nova pizza owner has never been convicted of a crime.

By Dan Herbeck

News reporter, Watchdog Team

By Lou Michel

reporter

https://buffalonews.com/news/local/prosecutor-voices-concern-for-safety-of-witnesses-in-buffalo-trial-involving-organized-crime-allegations/article_85386068-8e1a-11ed-b44c-afe775043bfe.html

TOPICAL

Prosecutor voices concern for safety of witnesses in Buffalo trial involving organized crime allegations

Dan Herbeck

Jan 7, 2023



Assistant U.S. Attorney Joseph M. Tripi, photographed following a news conference on Nov. 2, 2022.

Derek Gee/Buffalo News

Dan Herbeck

A federal prosecutor says he is worried about the safety of some of the witnesses who will testify in the upcoming trial of a Cheektowaga strip club owner and a former DEA agent accused of taking bribes.

Assistant U.S. Attorney **Joseph M. Tripi** expressed those concerns Friday during a conference in court regarding the trial of strip club owner Peter G. Gerace Jr. and retired U.S. Drug Enforcement Administrative Agent Joseph S. Bongiovanni.

Who is Joe Todaro and why do the feds say this pizzeria owner runs the Buffalo mob?

Gerace, 55, is the nephew of **Joseph A. Todaro**, whom prosecutors and federal agents have identified as the leader of Buffalo's "Italian Organized Crime" organization.

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Todaro is not charged in the case. He told The Buffalo News he is not involved in organized crime and has had no contact with Gerace in years.

About 100 people will testify at the trial, and there are safety concerns about “seven, eight or nine” of the witnesses, Tripi told U.S. District Judge John L. Sinatra Jr. on Friday.

A 'tough-as-nails' prosecutor takes on mob allegations - and criticism for the case

He made no allegations that anyone has been threatened, but said there are some witnesses who could face danger if local criminals – including those who have nothing to do with Bongiovanni or Gerace – find out they are cooperating with law

enforcement.

Tripi told the judge that he hopes to keep some of the witnesses' names secret from defense lawyers and the public past May 10, the date Sinatra has set for him to submit a witness list to the court.

That would be roughly six weeks before the trial is scheduled to begin on June 21.

"Six weeks is a long time (for someone) to be whispered a name, and to be sent on a mission," Tripi said.

Defense attorneys Steven M. Cohen, who represents Gerace, and James P. Harrington, who represents Bongiovanni, told the judge they need names of witnesses and information on expected testimony as soon as possible, so they can prepare to defend their clients.

Pharaoh's owner charged with bribing DEA agent as feds investigate Buffalo Mafia

Cohen criticized Tripi for suggesting witnesses could be in danger without offering proof. He said his client has never threatened any witness.

“He can’t just say it ... that my client poses a danger,” Cohen said. “They have to show cause.”

Sinatra said he will do his best to consider Tripi’s concerns about witness safety, while also trying to enable defense attorneys to get information they need to prepare for trial.

Defendants want separate trials

Friday’s court appearance came two days after Harrington filed court papers saying he hopes to present Gerace as a “key witness” for Bongiovanni’s defense.

With guns drawn, feds told ex-DEA agent: 'Tell us all about the Mafia'

The two defendants, who have denied criminal wrongdoing, have known each other since they were children.

According to both Harrington and Cohen, Gerace is willing to testify as a witness for Bongiovanni, 58, but only if the judge agrees to allow the two to be tried separately.

If the two men are tried together, Gerace would “invoke his 5th Amendment rights against self-incrimination,” Harrington said.

Defense attorneys also argue it will be impossible for Gerace and Bongiovanni to get fair trials if they are tried together. They said both men will be tarnished by charges that are filed against only one of them.

Tripi disagreed.

Is the mob back? Feds probe Buffalo Mafia after calling it all but dead

“The charges against the two are inextricably intertwined, will involve the presentation of extensive and overlapping evidence and are therefore properly joined,” Tripi said. “Gerace is one of the persons whom Bongiovanni believed was associated with IOC and thus wanted to ingratiate himself with.”

IOC is the abbreviation prosecutors in this case use for “Italian Organized Crime,” an entity that defense attorneys deny even exists in 2023 in Buffalo.

Harrington said Bongiovanni’s father ran a clam stand 50 years ago at La Nova Pizza, the Todaro family’s pizzeria, when Bongiovanni was a youngster.

That doesn’t make Bongiovanni a mobster, the defense lawyer said.

The two defendants were not present at Friday’s court appearances due to illnesses, their attorneys said.



Joseph A. Todaro, owner of popular pizzeria La Nova, is no stranger to accusations of running the Buffalo mob. For more than 50 years, he and his late father, Joseph E. Todaro, have been accused by the FBI and federal prosecutors of crimes linked to local mob activity. And dating back to the 1960s, Joseph A. Todaro and his father have been the subjects of numerous stories in WNY newspapers documenting various cases against them.

The charges

Bongiovanni is accused of taking \$250,000 in bribes to help protect Gerace and others whom prosecutors say he believed were associated with Italian organized crime from being investigated and arrested.

Gerace, who owns Pharaoh's Gentlemen's Club in Cheektowaga, is accused of bribing Bongiovanni and conspiring to engage in drug trafficking and human trafficking at his strip club.

Bongiovanni was arrested in November 2019, five months after a raid at his Town of Tonawanda home. He had retired from the DEA after learning that he was under investigation.

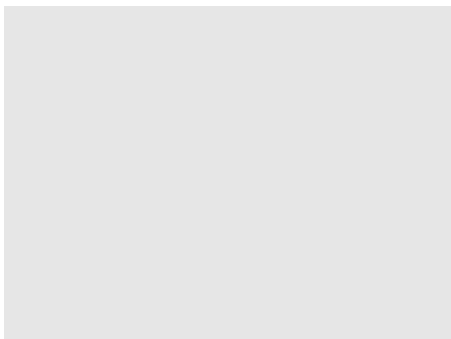
Gerace was arrested in February 2021.

Defense attorneys complain they have been put at an unfair disadvantage because prosecutors have shared little specific information with them about the charges or the government's witnesses.

Cohen described the information Tripi has shared thus far as "600,000 pieces of garbage."

"How am I to defend my client when the government has not given us one name of a witness or an alleged victim, not one piece of specific information about the crimes they are accusing?" Cohen said.

Attorney Joseph M. LaTona is also part of Gerace's defense team.



Peter G. Gerace Jr. will remain in custody until his August trial.

Photo courtesy of the Broward County Sheriff's Office

By Dan Herbeck

News reporter, Watchdog Team

https://buffalonews.com/news/local/crime-and-courts/prosecutors-can-keep-witnesses-secret-for-now-in-bribery-case-tied-to-organized-crime/article_54189566-90f9-11ed-9fa9-5f078216dfae.html

Prosecutors can keep witnesses secret – for now – in bribery case tied to organized crime

Mike McAndrew

Jan 11, 2023

Mike McAndrew

Federal prosecutors can delay revealing the names of some witnesses in a bribery and drug and human trafficking trial that stems from a federal organized crime investigation – for now.

U.S. District Judge John L. Sinatra Jr. ruled Monday that prosecutors may identify some witnesses only as "protected witness" because of concerns about their safety until May 10, and perhaps beyond then.

Cheektowaga strip club owner **Peter G. Gerace Jr.** and retired U.S. Drug Enforcement Administrative Agent **Joseph S. Bongiovanni** are scheduled to go on trial June 21 in Buffalo.

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Ellen Przepasniak

Bongiovanni is charged with taking \$250,000 in bribes to help protect Gerace and others whom he believed were associated with Italian organized crime. Gerace, who owns **Pharaoh's Gentlemen's Club**, is charged with bribing Bongiovanni and conspiring to engage in drug trafficking and human trafficking at his strip club.

Gerace is the nephew of **Joseph A. Todaro**, whom prosecutors and federal agents have identified in court documents as the leader of Buffalo's "Italian Organized Crime" organization. Todaro, the owner of La Nova Pizza, is not charged in the case and has denied being involved in organized crime.

Assistant U.S. Attorney **Joseph M. Tripi** told the judge in court on Friday that there are safety concerns about "seven, eight or nine" of the approximately 100 people he expects to call as witnesses at the trial. He made no allegations that anyone has been threatened, but said some witnesses could face danger if local criminals find out they are cooperating with law enforcement.

Defense attorney Steven M. Cohen, who represents Gerace, said Tuesday that the judge's ruling is a step in the right direction because it does require the prosecution to start sharing its evidence with the defense.

"My client still is terribly disadvantaged. I don't know the name of a single witness, a single victim, a single transaction for which my client has been indicted. That is ludicrous," he said.

"Mr. Tripi continues to say my client is a danger. He hasn't been able to point to a single instance where my client has threatened anyone directly or indirectly," Cohen said.

James P. Harrington, who represents Bongiovanni, said Tuesday he believes the prosecution will tell defense attorneys the identities of the "protected witnesses" before the trial begins. Typically, he said, the government does provide that information to defense attorneys before trials begin to avoid delays in the middle of trials. But under the federal rules of evidence, the prosecution doesn't have to provide the defense with evidence of prior statements by witnesses until after a witness testifies, he said.

Sinatra also ruled that prosecutors can file under seal – so that they are not available to the public – its pre-trial memos, witness list, exhibit list and prior statements by witnesses.

The court and defense attorneys would have access to those documents. But the defense attorneys would be barred from sharing with Gerace and Bongiovanni the contents of witnesses' prior statements to law enforcement until May 10 – 42 days before the start of the trial.

"That's abnormal. That's not the usual situation," Harrington said.

Under the judge's ruling, defense attorneys would also be barred from sharing the identities of witnesses or their prior statements with anyone outside the defense team.

Tripi and the U.S. Attorney's Office did not respond Tuesday to a request for comment.

By Mike McAndrew

Watchdog Team editor

https://buffalonews.com/news/local/crime-and-courts/strip-club-owner-can-spend-more-time-at-work-while-awaiting-trial-judge-rules/article_15c2c604-9e7a-11ed-9e56-230f308e5293.html

Strip club owner can spend more time at work while awaiting trial, judge rules

Dan Herbeck

Jan 27, 2023



Law enforcement officer outside Pharaoh's Gentlemen's Club on Aero Drive in Cheektowaga during a December 2019 raid.

Buffalo News file photo

Dan Herbeck



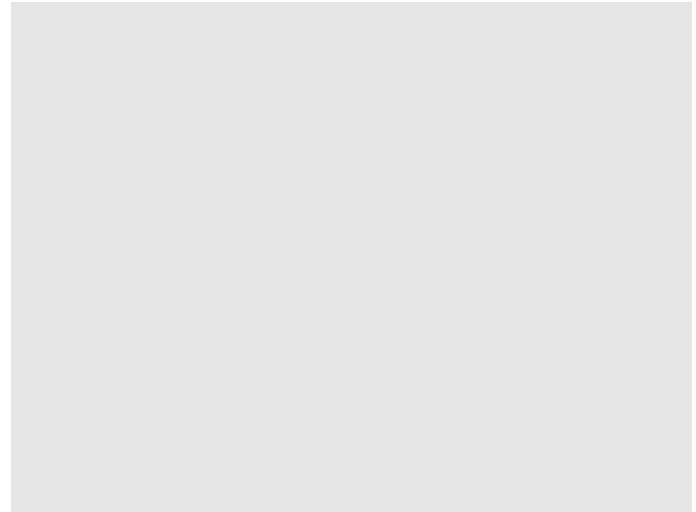
Peter G. Gerace Jr. has received a judge's permission to spend more time supervising operations at his Cheektowaga strip club while awaiting federal trial on drug and bribery charges.

Since April 2021, Gerace has been restricted from spending more than four hours a day at Pharaoh's Gentlemen's Club.

But a request from defense attorney Steven M. Cohen led to a recent order from U.S. John L. Sinatra Jr., allowing Gerace to spend more time at the club. Gerace, who lives in Clarence, can leave his home as early as 6 a.m. and must be back at home by 8 p.m., the judge ruled.

The Pharaoh's owner reports regularly to a federal probation officer, and his movements are monitored by a GPS tracking device he wears on his ankle, Cohen noted in court papers.

Cohen asked the judge to allow Gerace more time to supervise workers in his club, oversee ongoing renovations and take part in tastings of new foods and drinks.



Peter G. Gerace Jr. will remain in custody until his August trial.

Photo courtesy of the Broward County Sheriff's Office

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Prosecutors can keep witnesses secret - for now - in bribery case tied to organized crime

Cohen's request was opposed by Assistant U.S. Attorney Joseph M. Tripi, who argued that Gerace has used his business location "to engage in serious federal crimes," including drug sales and sex trafficking.

Indicted in 2021, Gerace has pleaded not guilty to conspiracy to sell drugs and commit sex trafficking, maintaining a drug-involved premises at Pharaoh's and bribing former U.S. Drug Enforcement Administration Agent Joseph Bongiovanni. Bongiovanni also denies the allegation.

By Dan Herbeck

News reporter, Watchdog Team

https://buffalonews.com/news/local/crime-and-courts/peter-gerace-jr-witness-tampering-human-trafficking-organized-crime/article_5ff462e6-cb43-11ed-a878-63084e90f921.html

Strip club owner facing trial arrested on new charges of witness tampering

Maki Becker

Mar 25, 2023



Law enforcement officer outside Pharaoh's Gentlemen's Club on Aero Drive in Cheektowaga during a December 2019 raid.

Buffalo News file photo

Maki Becker

A Cheektowaga strip club owner slated to go to trial on charges of bribing a DEA agent and conspiring to engage in drug trafficking and human trafficking was arrested Friday on new charges after he was accused of sending threatening Facebook messages to a potential witness against him, according to federal court documents and his attorney.

A grand jury indicted Peter G. Gerace Jr., 55, on three counts of witness tampering and one count of distribution of cocaine. He was arraigned Friday and was remanded to the custody of the U.S. Marshals. He was being held in the Niagara County Jail, where federal prisoners are held over the weekend. He is scheduled to appear for a detention hearing Monday afternoon.

Strip club owner can spend more time at work while awaiting trial, judge rules

His attorney, Steven M. Cohen, said it is his understanding that all four of the charges involved one witness "who I am very much looking forward to cross-examining under oath."

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Federal authorities surrounded Gerace's home in Clarence at about 7 a.m. Friday and called out to him on a bullhorn as they prepared to arrest him on a warrant on the new charges, Cohen said.

Gerace is accused in the court documents of three instances of "tampering with a witness" who is identified only as "Witness 1," all reportedly taking place on Nov. 19, 2019.





Read the full story from News Staff Reporters Lou Michel and Dan Herbeck

Ellen Przepasniak

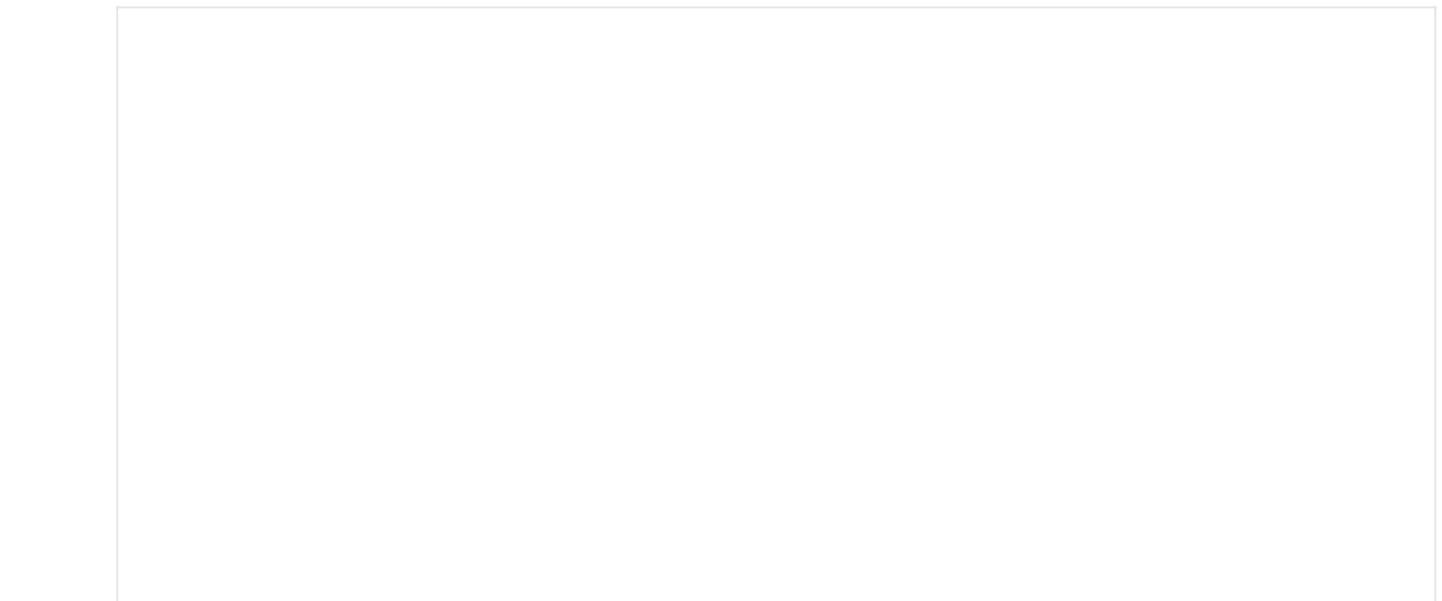
The indictment against Gerace accuses him of "sending intimidating, threatening, and harassing Facebook messages to Witness 1 with the intent to influence, delay, and prevent the testimony of Witness 1 in an official proceeding, that is a federal grand jury investigation and subsequent criminal proceedings involving the defendant, Peter Gerace Jr."

He is also charged with a single count of distributing cocaine.

Cohen denied all of the charges and wondered whether the federal government's case against his client was in jeopardy.

"We are not at all surprised that the U.S. Attorney is attempting to bring additional charges now. It has become apparent that there's no direct evidence against Peter" that he is facing in June in court, Cohen said Saturday.

Gerace, owner of Pharaoh's Gentlemen's Club, was arrested in February 2021 on the bribery, drug and human trafficking charges and was released on conditions that included meeting regularly with a federal probation officer and wearing an ankle monitor to track his movements.



Prosecutor voices concern for safety of witnesses in Buffalo trial involving organized crime allegations

Earlier this year, Assistant U.S. Attorney Joseph M. Tripi said he was worried about the safety of some of the witnesses who will testify in the upcoming trial of Gerace and retired U.S. Drug Enforcement Administrative Agent Joseph S. Bongiovanni.

About 100 people will testify at the trial, and there are safety concerns about “seven, eight or nine” of the witnesses, Tripi told U.S. District Judge John L. Sinatra Jr. in January.

Tripi made no claims that anyone had been threatened, but said there were some witnesses who could face danger if local criminals – including those who have nothing to do with Bongiovanni or Gerace – found out they were cooperating with law enforcement.

Tripi told the judge that he hoped to keep some of the witnesses' names secret from defense lawyers and the public past May 10, the date Sinatra has set for him to submit a witness list to the court. That would be roughly six weeks before the trial is scheduled to begin on June 21.

"Six weeks is a long time (for someone) to be whispered a name, and to be sent on a mission," Tripi said.

Prosecutors can keep witnesses secret - for now - in bribery case tied to organized crime

Cohen and James P. Harrington, who represents Bongiovanni, told the judge they needed the names of witnesses and information on expected testimony as soon as possible, so they could prepare to defend their clients.

In January, Cohen criticized Tripi for suggesting witnesses could be in danger without offering proof. He said his client has never threatened any witness.

“He can’t just say it ... that my client poses a danger,” Cohen said. “They have to show cause.”

Bongiovanni is accused of taking \$250,000 in bribes to help protect Gerace and others whom prosecutors say he believed were associated with Italian organized crime from being investigated and arrested.

Gerace is accused of bribing Bongiovanni and conspiring to engage in drug trafficking and human trafficking at his strip club.

Bongiovanni was arrested in November 2019, five months after a raid at his Town of Tonawanda home. He had retired from the DEA after learning that he was under investigation.

News staff reporters Dan Herbeck and Ben Tsujimoto contributed to this report.

By Maki Becker

Chief of the Breaking News/Public Safety Desk

https://buffalonews.com/news/local/crime-and-courts/cheektowaga-strip-club-owner-ordered-held-until-trial-following-new-arrest/article_6309c856-cd76-11ed-bd57-0f2571318bf0.html

Cheektowaga strip club owner ordered held until trial following new arrest

Aaron Besecker

Mar 28, 2023



Law enforcement officer outside Pharaoh's Gentlemen's Club on Aero Drive in Cheektowaga during a December 2019 raid.

Buffalo News file photo

Aaron Besecker

A federal judge has ordered a Cheektowaga strip club owner slated to go to trial in three months on bribery, drug trafficking and sex trafficking charges to remain in custody following his latest arrest on witness tampering and drug charges.

District Judge John L. Sinatra Jr. ruled there was "clear and convincing evidence that no condition or combination of conditions of release will reasonably assure the safety of any other person and the community," according to court documents.

Sinatra also found that because of Peter G. Gerace Jr.'s prior criminal history, the length of prison time he faces if convicted and the "strong" weight of evidence against him, he should be detained pending trial, according to the documents.

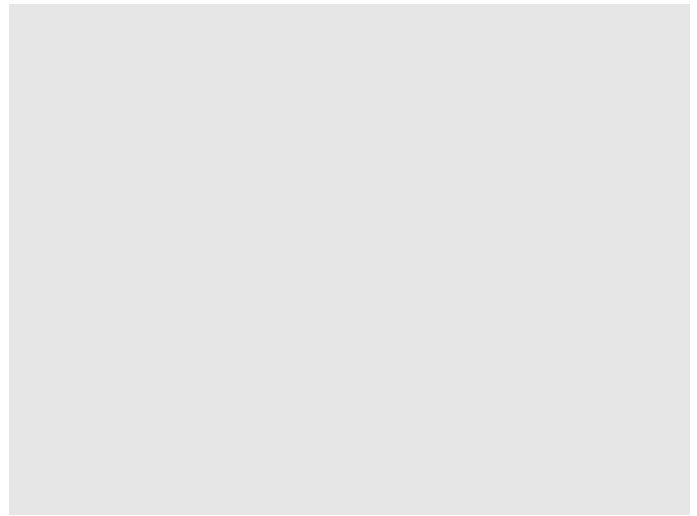
Gerace, 55, was **arrested Friday** after being accused of sending threatening Facebook messages to a potential witness against him in 2019. Sinatra ordered him held following a hearing that began Friday and concluded Monday afternoon. He was arraigned on three counts of witness tampering and one count of distributing cocaine.

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Gerace, owner of Pharaoh's Gentlemen's Club, is scheduled to go on trial in June on charges he bribed former U.S. Drug Enforcement Administration Agent Joseph Bongiovanni, engaged in a conspiracy to sell drugs and commit sex trafficking and maintained a drug-involved premises at Pharaoh's. He was indicted on those charges in 2021.

He and Bongiovanni have pleaded not guilty.



Peter G. Gerace Jr.

Photo courtesy of the Broward County Sheriff's Office

Reach Aaron at [abesecker\[at\]buffnews.com](mailto:abesecker[at]buffnews.com) or 716-849-4602.

By Aaron Besecker

News Staff Reporter

https://buffalonews.com/news/local/crime-and-courts/ex-dea-agent-strip-club-owner-should-be-tried-together-judge-says/article_d2592222-e9ed-11ed-aec6-e7ad940a8f3e.html

TOPICAL

Ex-DEA agent, strip club owner should be tried together, judge says

Patrick Lakamp

May 5, 2023



Retired Drug Enforcement Administration agent Joseph Bongiovanni drives a vintage car he restored. Bongiovanni was arrested in 2019 on felony charges that accuse him of accepting \$250,000 in bribes and using his position in the DEA to help Buffalo drug dealers, including some connected to organized crime, avoid arrest. His attorney says the feds have no evidence that Bongiovanni took bribes and that the classic car is Bongiovanni's "only uniquely prized possession."

Provided photo

Patrick Lakamp

A former federal agent accused of protecting drug dealers with ties to the local mob fears he can't get a fair trial if he has to stand trial together with a strip club owner facing a sex-trafficking count.

And the strip club owner worries he can't get a fair trial if jurors hear about the former agent's alleged ties to Italian organized crime.

The defense teams for Joseph Bongiovanni, the retired Drug Enforcement Administration agent and Peter Gerace Jr., the owner of Pharaoh's Gentlemen's Club in Cheektowaga, each sought separate trials.

But U.S. District Judge John L. Sinatra Jr. declined to sever the case, so the two men are scheduled to be tried together next month in U.S. District Court in Buffalo. The prosecution anticipates its case will take six to eight weeks and involve 100 witnesses or more.

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The indictment against Bongiovanni and Gerace makes clear the two are alleged to have participated in a common scheme, with federal prosecutors alleging concrete examples of direct interactions between the two to further their conspiracies to defraud the United States and also distribute controlled substances, Sinatra said in a ruling last week.

The judge said a joint trial would not result in the substantial prejudice – or unfair bias by the jury – required to sever the defendants' cases.

"The court expects to instruct the jury – as it does in all multi-defendant trials – that the jury must consider the evidence separately as to each defendant and as to each count charged when reaching a verdict," Sinatra said in his ruling. "The court is

confident that, with the proper instructions, the jury will be able to keep the evidence relevant to each defendant separate and render a fair and impartial verdict as to each defendant."

Attorney Steven M. Cohen, one of the lawyers representing Gerace, said a judge's instructions "are rarely as effective as we'd like them to be."

"There is no way this jury is going to be able to unhear the term Italian organized crime," Cohen said. "They're not going to unhear the term mafia. And they're also not going to be able to unhear the fact that Peter does have relatives who were involved in that. Peter himself was never involved in Italian organized crime. But he has relatives who likely were."

When the judge tells jurors to disregard something that they have heard or seen in court, it rarely affects the jurors like it is intended, Cohen said. Curative instructions "fall far short of what's in the best interest of our client," he said.

James P. Harrington, one of the defense lawyers for Bongiovanni, said he was disappointed by the judge's ruling but declined further comment.

In his motion to sever the cases, Harrington pointed out that only Gerace is charged with conspiracy to commit sex trafficking.

Including that count in a trial that includes Bongiovanni "raises the likelihood of severe spillover prejudice to Mr. Bongiovanni from conduct which a jury may find abhorrent and which has nothing to do with the counts where they are alleged to be co-defendants or co-conspirators," Harrington said in his motion.

A grand jury indictment against the former agent names Michael Masecchia, a former Buffalo schoolteacher described in court papers as a longtime drug dealer and member or associate of "Italian Organized Crime."

A year ago, Masecchia was sentenced to seven years in prison for trafficking more than a ton of marijuana into Buffalo and its suburbs over 20 years.

Masecchia was one of several local men targeted in a federal investigation into suspected organized crime activities. He told law enforcement officials that he and others in the drug trade had help from Bongiovanni, according to his plea agreement. He said Bongiovanni helped him and other drug traffickers avoid arrest by providing "law enforcement-sensitive information," including the names of potential cooperating witnesses.

Bongiovanni is accused of blocking investigations into Masecchia and others he believed were tied to the local Mafia and, in return, receiving at least \$250,000 in bribes, prosecutors say. The former agent also provided information on drug investigations and cooperating sources and, at times, used and sold cocaine, prosecutors say.

Bongiovanni and Gerace have denied the charges against them.

The two men are both named in two counts in the indictment: conspiracy to defraud the United States and conspiracy to distribute controlled substances.

Gerace faces three other counts: paying a bribe to a public official; maintaining a drug-involved premises; and conspiracy to commit sex trafficking.

Bongiovanni faces 13 other counts, including seven counts of obstruction of justice; two counts of false statements to a U.S. agency; two counts of a public official accepting a bribe; and two other conspiracy counts.

Gerace's defense counsel argues that including in a joint trial charges against Bongiovanni that relate only to Bongiovanni's alleged conduct with Masecchia is improper.

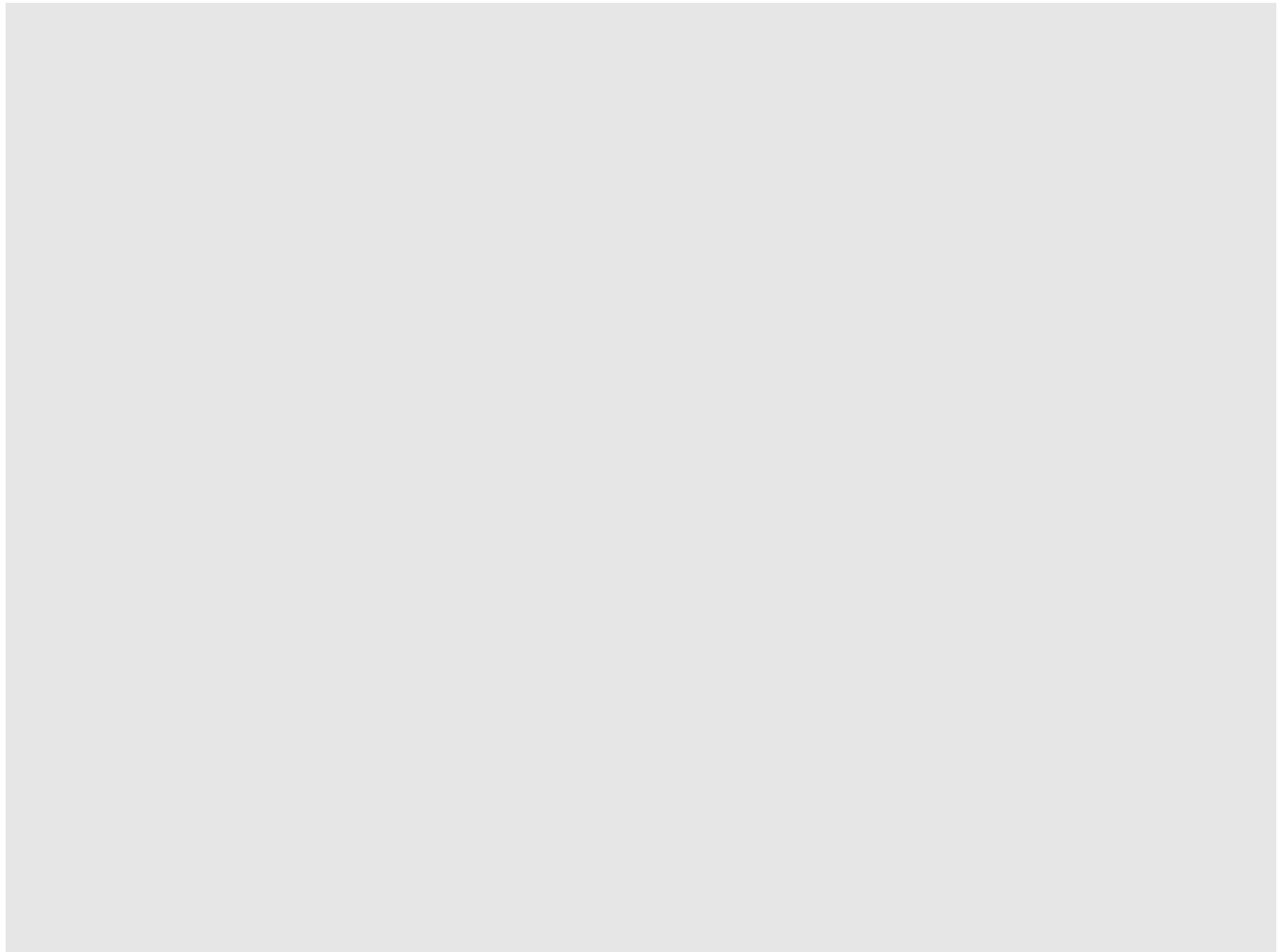
"There is no indication that Mr. Gerace was even aware of the alleged conspiracies purportedly involving Mr. Bongiovanni and Michael Masecchia," according to court papers filed by his legal team.

Grand jury excerpts appended to a prosecution court filing show "outrageously prejudicial hearsay evidence admitted against Mr. Gerace," according to Gerace's legal team.

In a court filing, prosecutors for the U.S. Attorney's Office said their proof at trial will establish that Gerace has held himself out as being associated with Italian organized crime – or at least was aware that others believed he was.

"For example, one witness from Pharaohs testified in grand jury that she heard Gerace refer to himself as a member of 'the mafia,' " according to the prosecution's filing that urged against separating the cases.

And the charges against Bongiovanni stem from his alleged receipt of bribes for protecting people involved in narcotics offenses, including Gerace, prosecutors say.



Pharaoh's in Cheektowaga.

Robert Kirkham/News file photo

Prosecutors say evidence will show that one of the ways in which **Pharaoh's Gentlemen's Club** dancers were coerced into engaging in sex acts was through their drug addictions. They were provided drugs to fuel their addictions and were thereby coerced into having sex with Gerace and others close to Gerace, according to prosecutors' court papers. Fear of severe withdrawal symptoms from narcotics addiction meets the definition of serious harm under the sex trafficking conspiracy statute.

"Thus, Bongiovanni's protection of Gerace and Pharaoh's Gentlemen's Club from federal investigation, which facilitated narcotics use and distribution at PGC, furthered Gerace's ability to conspire to engage in the sex trafficking of women," according to the government filing.

"The very serious charges Bongiovanni faces as a result of violating his oath and duties as a DEA special agent seriously mitigate any prejudice to Bongiovanni as a result of the inclusion of (the conspiracy to commit sex trafficking) count in a joint trial with Gerace," according to the prosecutors' filing. "When combined with appropriate limiting and jury instructions, a joint trial will not substantially prejudice any of Bongiovanni's specific trial rights."

By Patrick Lakamp

Enterprise Editor

https://buffalonews.com/news/local/feds-arrest-woman-expected-to-testify-against-strip-club-owner-in-upcoming-trial/article_add43304-eb89-11ed-8a5f-4ff5d502360a.html

Feds arrest woman expected to testify against strip club owner in upcoming trial

Dan Herbeck

May 6, 2023

A woman who is expected to testify in the upcoming federal trial of a Cheektowaga strip club owner was arrested this week on two misdemeanor drug charges.



Courtesy of Niagara County Sheriff's Office

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Phlycia Hunt, 32, was arrested on drug possession charges filed by the FBI this week relating to two incidents in October 2021 and October 2022, the U.S. Attorney's Office said in court papers made public Friday.

"These are drug possession charges for personal use. Her case has been put off until Wednesday of next week, and my top priority at this point is to help this woman get help and treatment for her drug problem," said Fonda Kubiak, a federal public defender who represents Hunt.



Ex-DEA agent, strip club owner should be tried together, judge says

U.S. Magistrate Judge Jeremiah J. McCarthy arraigned Hunt on Friday and ordered her to be held in jail until the court appearance next week, Kubiak said.

Two sources familiar with the case said Hunt is a former employee of Peter Gerace, the owner of Pharaoh's Gentlemen's Club in Cheektowaga. Both sources said Hunt is expected to testify as a government witness at Gerace's upcoming trial.

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Strip club owner facing trial arrested on new charges of witness tampering

Gerace faces drug-trafficking, bribery and sex-trafficking charges. He has pleaded not guilty.

Gerace's co-defendant is a former federal drug agent, Joseph Bongiovanni, who is accused of taking bribes to help Gerace and other reported drug dealers avoid prosecution. Bongiovanni also has pleaded not guilty.

The two men are scheduled to go to trial next month before District Judge John L. Sinatra Jr..

In 2020, Gerace filed a defamation lawsuit against his ex-wife, Katrina Nigro, and Hunt.

Attorney Steven M. Cohen, who represents Gerace in his criminal case, declined to comment on Hunt's arrest.

By Dan Herbeck

News reporter, Watchdog Team

https://buffalonews.com/news/local/joseph-bongiovanni-request-for-new-lawYER-james-harrington-peter-gerace-joseph-tripi/article_2de0a9ba-f27e-11ed-a739-ab2d89a61df3.html

Prosecutors: Request for new Bongiovanni defense lawyer a 'tactic' that could endanger witnesses

Patrick Lakamp

May 16, 2023



Retired Drug Enforcement Administration agent Joseph Bongiovanni drives a vintage car he restored. Bongiovanni was arrested in 2019 on felony charges that accuse him of accepting \$250,000 in bribes and using his position in the DEA to help Buffalo drug dealers, including some connected to organized crime, avoid arrest. His attorney says the feds have no evidence that Bongiovanni took bribes and that the classic car is Bongiovanni's "only uniquely prized possession."

Provided photo

Patrick Lakamp

A month before the scheduled start of a high-profile trial, a lawyer has asked to be relieved of the lead role in defending a former federal agent accused of protecting drug dealers he believed were in the local mob.

Defense lawyer James P. Harrington, 78, has a recurring medical issue, and he told a federal judge last week that he is making the request on "the strong medical advice" from his cardiologist.

Ex-DEA agent, strip club owner should be tried together, judge says

But a prosecutor called the request a tactic to delay the trial of retired **Drug Enforcement Administration agent Joseph Bongiovanni**, a bid to give the defense more time to review evidence, obtain witness identities and "orchestrate" other legal maneuvers – and the government warned it could potentially jeopardize the safety of witnesses.

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"He's telling you he can't try this case," Assistant U.S. Attorney Joseph M. Tripi told U.S. District Judge John L. Sinatra Jr. at Thursday's hearing. "I don't believe a word of it. This court shouldn't believe a word of it."

Tripi told the judge he is disturbed by the timing of Harrington's request, given the government's concerns of possible witness intimidation. Harrington's request came as the defense lawyers for Bongiovanni and co-defendant **Peter Gerace Jr., the owner of Pharaoh's Gentlemen's Club** in Cheektowaga, were about to be permitted to share the identities of many prosecution witnesses with their respective clients.

Prosecutors can keep witnesses secret - for now - in bribery case tied to organized crime

The judge has prevented defense lawyers from sharing the identities of witnesses with the defendants because of concerns about the witnesses' safety.

Tripi has previously **expressed safety concerns** for about a dozen of the approximately 100-plus witnesses that the prosecution expects to call to testify during the trial.

In January, the judge allowed prosecutors, in their discretion, to designate certain witnesses listed in pre-trial submissions as a "protected witness," rather than by their true names, through May 10. The judge scheduled a May 10 hearing to discuss with prosecutors and defense lawyers issues surrounding witness identifications.

The day before that hearing, Harrington asked U.S. Attorney Trini Ross to meet him at a local coffee shop, where he revealed his medical condition and let her know that he was going to ask the judge to appoint a lawyer to relieve him as Bongiovanni's chief defense lawyer. Harrington has said he could stay involved in the case as a co-counsel during the transition, and perhaps even through the trial.

"Thank God the U.S. attorney didn't wait an extra day to bump into me and tell me about what had transpired there, because the witness identities would have been verbally released – all but 11," Tripi told the judge at last week's hearing.

Cheektowaga strip club owner ordered held until trial following new arrest

"We were very restrictive in the amount of protected witnesses we listed," Tripi told the judge. "But there are dozens of others that I'm concerned about – people who worked at Pharaoh's, dozens of others."

The mother and roommate of one witness found rats on their cars where the witness lives, Tripi said last week.

In March, Sinatra ordered Gerace – who faces bribery, drug trafficking and sex trafficking charges – to remain in custody following his arrest on witness tampering and drug charges.

'Fighting for his life'

Attorney Eric Soehnlein, a member of Gerace's defense team, told the judge he opposes delaying the trial over the request for a new Bongiovanni lawyer, given that Gerace is in custody. And Soehnlein told the judge that Gerace's defense team needs to be able to discuss the witnesses with him, given the nature of the charges against him.

Prosecutor voices concern for safety of witnesses in Buffalo trial involving organized crime allegations

Adding a lawyer to take on the lead role of defending Bongiovanni, even with Harrington remaining in a secondary role, will most likely lead to a request for a trial delay to give the new lawyer time to become familiar with the case.

Once Bongiovanni and Gerace learn who the witnesses are, "we have absolutely zero faith" they will not disclose their identities to others, Tripi told the judge.

"As Mr. Soehnlein said, Mr. Gerace is fighting for his life, so he would do anything to sabotage witnesses," Tripi said at the court hearing. "Mr. Bongiovanni is fighting for his life, and we don't put anything past either of them."

Authorities accuse Bongiovanni of accepting \$250,000 in bribes from drug dealers he believed were associated with organized crime, including Gerace. The former federal agent is accused of blocking investigations into suspected drug dealers and providing drug dealers with information about investigations and cooperating sources. Gerace, who has denied he is involved in organized crime, is charged with bribing Bongiovanni and conspiring to engage in drug trafficking and human trafficking at his strip club.

Both have pleaded not guilty.

Trial date set for strip club owner, ex-DEA agent in organized crime case

Sinatra recently denied defense bids to try the two men separately, and as of now, the two are scheduled to be tried together next month in U.S. District Court in Buffalo. The prosecution anticipates its case will take six to eight weeks.

Tripi noted at last week's hearing that he asked Harrington about his health in October, when Harrington asked for a co-counsel in an unrelated narcotics case. Tripi said he expressed concern to Harrington that he would withdraw from the Bongiovanni case on the eve of the trial.

"Mr. Harrington looked me in the eye and said, 'I won't do that to you,' " Tripi said.

"The government has complied with every time deadline, filed all submissions," Tripi told the judge. "We are ready to go. Needless to say, for the court and government, it's a herculean task to get this operation on the rails, get the momentum moving, get all

the subpoenas issued and everything done."



New York State's Commission on Judicial Conduct is investigating allegations that Supreme Court Justice John L. Michalski, who was recently hit by a train, was paid \$5,000 by a Cheektowaga strip club owner to perform his wedding despite a state law that caps such pay at \$100, according to two government sources.

[Read the full story here](#)

Lawyer denies gamesmanship

During last week's hearing, Harrington acknowledged to the judge that "I probably should have come to the court sooner and asked for a second counsel."

Other lawyers in his firm who previously helped him prepare Bongiovanni's defense have left the firm and he has not been able to find replacements, Harrington told the judge.

Harrington said he is disappointed in Tripi's "ad hominem attacks on me."

"That's not my reputation," Harrington said.

When Tripi approached him earlier about his health, "there was nothing wrong with me," Harrington said. "I wasn't feeling any symptoms. That's a different situation now."

At his age, "things can happen very quickly," Harrington said.

Harrington said he would abide by what Sinatra rules, "but I think it's a precarious position, certainly for me, if what my cardiologist says is true.

"It may be that my situation clears up next week," Harrington said at the hearing. "I don't know. Maybe it doesn't. Maybe it gets worse."

Sinatra said he talked to two other judges in the federal courthouse after learning that Harrington sought a reduced role in the defense.

"I had the same question: Is there a gamesmanship angle here?" Sinatra said at the hearing.

"And I talked to two of my colleagues here, and based on what they told me, I've got to take Mr. Harrington at his word," Sinatra said.

For now, the court's protective order restricting witness identifications remains in place. Sinatra has scheduled a hearing for Wednesday regarding the protective order and the potential appointment of an additional counsel for Bongiovanni.

At last week's hearing, Sinatra indicated to both defendants' lawyers his preference to find a new lawyer who can delve into the case immediately.

"We have a defendant in custody, and delay is nobody's friend," Sinatra said.

By Patrick Lakamp

Enterprise Editor

https://buffalonews.com/news/local/crime-and-courts/appointment-of-new-bongiovanni-defense-lawyers-prompts-delay-of-high-profile-trial/article_96073a4c-f4b6-11ed-860a-b37aa39bf029.html

TOPICAL

Appointment of new Bongiovanni defense lawyers prompts delay of high-profile trial

Patrick Lakamp

May 17, 2023



The Robert H. Jackson United States Courthouse in Buffalo.

Derek Gee/News file photo

Patrick Lakamp

Three and half years after **Joseph Bongiovanni** was first indicted, a federal judge Wednesday appointed two seasoned lawyers as his new defense counsel and told them to be ready to defend the former Drug Enforcement Administration agent by the new Aug. 14 trial date.

The two said in court they face a stiff challenge taking over Bongiovanni's defense.

"I don't think this is a case that can be ramped up in 60 days," said attorney Robert C. Singer, who with Parker R. MacKay, took charge of his defense.

"This is going to take months to get up to speed on," MacKay said at Wednesday's hearing before U.S. District Judge John L. Sinatra Jr. announced jury selection would start Aug. 14.

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They will have 89 days to prepare.

Federal authorities have charged the former federal agent of accepting \$250,000 in bribes from drug dealers and providing them with information about investigations and cooperating sources. A co-defendant, **Peter Gerace Jr.**, who will stand trial with Bongiovanni, is charged with bribing Bongiovanni and conspiring to engage in drug trafficking and human trafficking at Gerace's Pharaoh's Gentlemen's Club in Cheektowaga.

Both have pleaded not guilty.

Attorney James P. Harrington, who represented Bongiovanni since April 2020, was allowed to withdraw from the case for medical reasons, prompting Sinatra to appoint Singer and MacKay as replacements and to delay the start of the high-profile trial that was to have begun next month.

Harrington, 78, last week told the judge he could stick with the case if allowed to take on a reduced role as second counsel. But he filed a motion Tuesday seeking to be removed entirely.

"There was discussion of my taking a reduced role as second counsel," Harrington said in his filing. "However, after consulting with my physicians and considering the best interests of Mr. Bongiovanni, I am moving to withdraw from the case."

Harrington's withdrawal comes at a difficult time, as the initial trial date loomed and with Gerace already in pre-trial custody and his lawyers anxious to share more evidence with him to mount his defense.

Federal prosecutors, who favored the judge adding a co-counsel for Bongiovanni, objected to allowing Harrington to withdraw unless he was completely retiring from practicing law, noting that he was still involved in other unrelated cases. At a hearing last week, Assistant U.S. Attorney Joseph M. Tripi bristled at Harrington's request to withdraw, telling Sinatra that he did not believe Harrington was not able to try the case and that "this court shouldn't believe a word of it."

Even as one of Gerace's lawyers sought to avoid a trial postponement, he also defended Harrington's bid to withdraw as Bongiovanni's lawyer.

"He's a personal hero of mine," attorney Eric Soehnlein, a member of Gerace's defense team, told the judge. "He's a legend in the legal community. His career and professionalism is nothing short of remarkable. I've seen him struggle through his medical issue. If he says he can't do it, I believe he can't do it."

Prosecutors previously portrayed Harrington's request to withdraw as a tactic to delay the trial and give the defense more time to review evidence, obtain witness identities and "orchestrate" other legal maneuvers – and the government warned it could potentially jeopardize the safety of witnesses.

Harrington's request last week came as the defense lawyers for Bongiovanni and Gerace were about to be permitted to share the identities of many prosecution witnesses with their respective clients. The judge has prevented defense lawyers from sharing the identities of many witnesses with their respective clients because of concerns about the witnesses' safety. And not even the defense lawyers know the names of 11 witnesses whom the judge allowed prosecutors to designate in pre-trial submissions as a "protected witness" rather than by their true names. Their identities are not expected to be revealed until around the start of the trial.

Sinatra granted Harrington's request to appoint his replacements from the Criminal Justice Act – or CJA – panel of private attorneys who accept appointed cases and are compensated by the government to represent those who are financially unable to retain counsel.

"While Mr. Bongiovanni has some joint assets with his wife, he is unable to afford to retain new counsel for his case based on his economic circumstances," Harrington said in court papers.

When Sinatra asked the newly appointed defense counsel how much time they thought they would need to prepare for trial, Singer noted there are hundreds of thousands of pages of discovery material to review.

Assistant U.S. Attorney Nicholas Cooper, part of the prosecution team, said the new defense counsels do not need to re-argue suppression and other motions already decided, but simply need to prepare for trial. Cooper told Sinatra the government opposed postponing the trial, but if the judge planned to grant one that it should be "short as possible."

Sinatra said he opted for a 54-day postponement given the "experienced and capable lawyers" he appointed as replacements, both of whom he said can immediately immerse themselves into the case.

The length of the trial delay should cause "no substantial impairment to Mr. Bongiovanni's defense," Sinatra said.

By Patrick Lakamp

Enterprise Editor

https://buffalonews.com/news/local/judge-refuses-to-suppress-evidence-from-searches-of-geraces-home-and-strip-club/article_eeee9966-ff1a-11ed-8610-6fccddc702b4.html

EDITOR'S PICK

Judge refuses to suppress evidence from searches of Gerace's home and strip club

Patrick Lakamp , Lou Michel

May 31, 2023



Pharaoh's Gentlemen's Club on Aero Drive in Cheektowaga during a December 2019 raid.

Buffalo News file photo

Patrick Lakamp , Lou Michel

In a blow to the defense, U.S. District Judge John L. Sinatra Jr. has ruled he would not suppress evidence seized during the 2019 searches of Peter G. Gerace Jr.'s home and his business, Pharaoh's Gentlemen's Club in Cheektowaga.

But on Wednesday, the judge left open the possibility that he might consider releasing Gerace from his pretrial detention. Gerace was sent back to jail in March after he was indicted on new charges of witness tampering and selling cocaine. The judge gave defense and prosecution attorneys until Friday to submit additional arguments on why Gerace should be released or remain incarcerated. His trial is set for mid-August.

In previous arguments on the evidence obtained in the searches, Gerace's defense counsel contended Sinatra should suppress the evidence because of misrepresentations and omissions in the search warrant application.

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But the judge denied the defense motion in full.

The Constitution protects people from unreasonable searches and seizures by the government. But the judge said that after examining the search warrant application and considering Gerace's arguments, he could not conclude that the search warrant "exhibited deliberate, reckless or grossly negligent disregard for Gerace's Fourth Amendment rights."

"Gerace presents no credible and probative evidence that any omission or misstatement was designed to mislead or was made in reckless disregard of whether it would mislead," Sinatra said in his ruling.

Defense attorney Steven M. Cohen criticized the ruling.

"The government is doing everything in its power to prevent Gerace's defense from preparing our client for trial," he said. "Regrettably, they have found a sympathetic judge who has ordered all these restrictions."

Ex-DEA agent, strip club owner should be tried together, judge says

Federal authorities have charged Gerace with bribing a federal agent and conspiring to engage in drug trafficking and human trafficking at Pharaoh's. Gerace's co-defendant, Joseph Bongiovanni, a former Drug Enforcement Administration agent,

faces charges that he accepted \$250,000 in bribes from drug dealers and provided them with information about investigations and cooperating sources.

Gerace and Bongiovanni are scheduled to stand trial together beginning Aug. 14.

Most court documents from the prosecution and defense in this case are filed under seal, and even Gerace's lawyers have seen only a redacted version of the search warrant application for the November 2019 searches of his home and business.

So Sinatra's written ruling offered a pretrial glimpse of the breadth of the federal government's witnesses against Gerace.

The application to search Gerace's home and Pharaoh's consisted of a 41-page affidavit containing information from 11 sources with specific information about Gerace, his home, or Pharaoh's, as well as information from two law enforcement sources, according to Sinatra's ruling. Some 195 pages of materials were also submitted.

As to Gerace's home, a source referred to as Source 1 provided firsthand information regarding the presence of drugs there less than two months before the search warrant was issued.

Source 1 also referenced recurring events at Gerace's home where drugs were available. Source 1 is identified by name in the affidavit and provides details about how he or she knows Gerace and is familiar with Gerace's home and Pharaoh's.

The government has said law enforcement corroborated certain information provided by Source 1 through independent investigation.

In addition, someone identified as Source 5 identified Gerace's source of drugs.

As to Pharaoh's, Source 1 said a particular person has distributed drugs to him or her at Pharaoh's and that he or she observed drugs at Pharaoh's during a particular event, according to the affidavit.

Five other sources – identified at sources 2, 4, 7, 8 and 9 – said they have used drugs at Pharaoh's. And one of them also purchased drugs from Pharaoh's on one occasion, according to the ruling.

Another source acknowledged selling drugs at Pharaoh's on several occasions and witnessed a Pharaoh's employee, who Source 3 identified by name, sell drugs at Pharaoh's.

And another source said he or she witnessed people use drugs at Pharaoh's and identified people who sold drugs there. A couple of the sources said that others, including Pharaoh's employees, knew drugs were available or sold at Pharaoh's, according to the affidavit.

In addition, the affidavit indicated that law enforcement had investigations into drug trafficking at Pharaoh's at two separate times.

Sinatra ruled that the absence from the affidavit of one law enforcement agency's decision not to use a particular investigative technique at Pharaoh's in the future "does not constitute a material omission."

The affidavit disclosed certain investigative steps at Pharaoh's were unsuccessful, and it explained why those steps likely failed.

The fact that one agency elected not to take certain further steps does not mean the search was unconstitutional, Sinatra said.

The affidavit "contains numerous examples that demonstrate long-term and recurring alleged criminal activity involving Gerace and Pharaoh's," the judge said.

Appointment of new Bongiovanni defense lawyers prompts delay of high-profile trial

And the law enforcement agent who submitted the affidavit seeking the warrant included numerous sources indicating long-term and recurring drug use and transactions at Pharaoh's, the judge said.

The affidavit details how each source was familiar with the people or premises about which they provided information, according to the judge's ruling.

"Information from different sources was largely consistent, and the sources corroborated aspects of each other's information," Sinatra said.

The judge noted that the law enforcement investigation corroborated certain source information as well.

Also, the affidavit disclosed the fact that sources facing criminal charges were cooperating with the hope of receiving a favorable outcome to their cases.

Gerace's counsel have said that throughout the time he has been indicted, Pharaoh's has had a strict policy that any employee involved with drug use or distribution inside of the club would be fired.

"Gerace falls short of presenting credible and probative circumstances that the (affidavit) intentionally or recklessly omitted such information from his affidavit," the judge said in his ruling.

On those initial charges, Gerace had ended up in pretrial detention, but his attorneys later succeeded in having him released, arguing that he needed to spend time at Pharaoh's to attend to business operations. But in March when he was arrested on three counts of witness tampering and one count of distributing cocaine, the judge placed him back in jail, pending the outcome of his trial.

During oral arguments Wednesday afternoon seeking Gerace's release prior to his trial, defense attorney Eric M. Soehnlein argued that one of the witnesses in the tampering charges has since been arrested on a federal charge, raising questions about her credibility. He also argued that it is difficult to prepare for the upcoming trial while Gerace is in jail because of limited time provided to the defense lawyers to meet with Gerace.

Assistant U.S. Attorney Nicholas T. Cooper refuted those arguments, saying they have nothing to do with Sinatra's decision in March to place Gerace back behind bars.

Sinatra, however, said there "may be some set of workable conditions" to release Gerace, such as strict home confinement and no visitors.

By Patrick Lakamp

Enterprise Editor

By Lou Michel

reporter

https://buffalonews.com/news/local/judge-refuses-to-release-strip-club-owner-ahead-of-bribery-sex--and-drug-trafficking/article_3fd18366-0475-11ee-a8d3-5fb60c07e3c4.html

Judge refuses to release strip club owner ahead of bribery, sex- and drug-trafficking trial

Patrick Lakamp

Jun 6, 2023

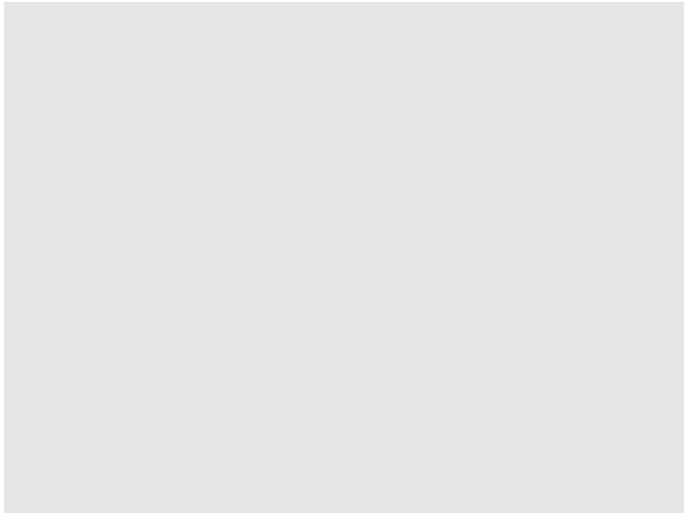


Pharaoh's Gentlemen's Club on Aero Drive in Cheektowaga during a December 2019 raid.

Buffalo News file photo

Patrick Lakamp

Dead rats the government says were meant to intimidate a witness appear to have helped keep strip club owner Peter G. Gerace Jr. incarcerated ahead of his bribery, sex- and drug-trafficking trial.



Peter G. Gerace Jr. will remain in custody until his August trial.

Photo courtesy of the Broward County Sheriff's Office

U.S. District Judge John L. Sinatra Jr., in his written ruling Tuesday keeping the Pharaoh's Gentlemen's Club owner detained, did not mention the dead rats.

But they figured prominently in last week's oral arguments on Gerace's requests to reopen a detention hearing and seek release from custody.

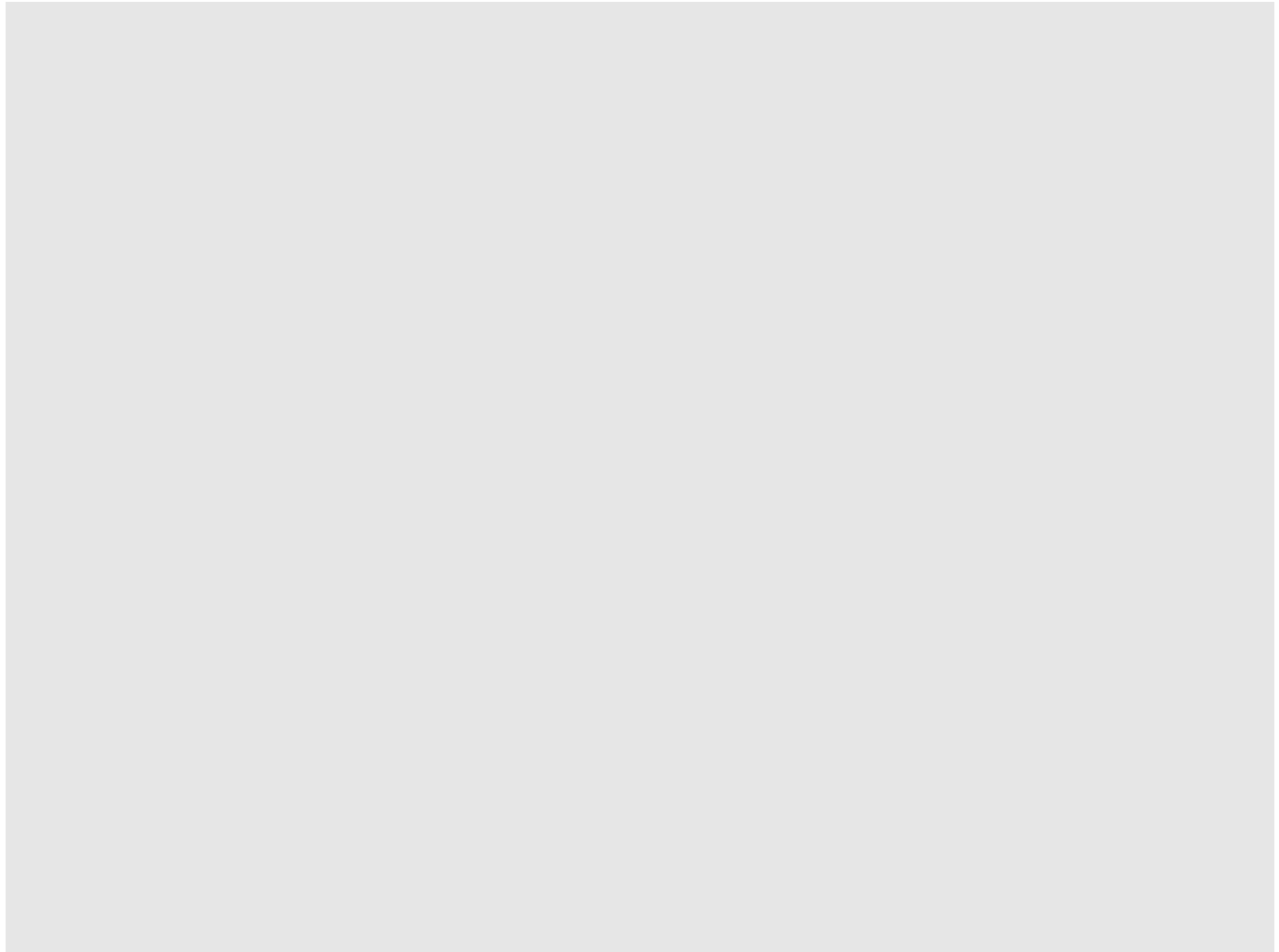
Gerace's lawyers suggested home detention, computer and cellphone monitoring, and GPS monitoring as conditions that could be put in place instead of incarceration.

Sinatra last week acknowledged that "there may be some set conditions that may be workable — but for the problem with this rat issue."

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The mother and roommate of one prosecution witness found dead rats on their cars where the witness lives, according to prosecutors.



The mother and roommate of a prosecution witness against Peter Gerace Jr. found dead rats on their cars where the witness lives, according to federal prosecutors. A lawyer for Gerace said there is no evidence linking the rats to him. The photo comes from a court filing submitted by the U.S. Attorney's Office.

The witness contacted the FBI on March 14 to report the rats, and the agency conducted follow-up interviews and responded to the location and observed a dead rat.

Circumstantial evidence "strongly compels the conclusion that Gerace was behind the dead rats," seeking to intimidate her from continuing as a cooperating witness, according to a court filing from the U.S. Attorney's Office. Prosecutors last week said they were not prepared to charge Gerace with tampering based on the rats.

Gerace's defense lawyers said they had no chance to examine any evidence tying Gerace to the dead rats.

"This judge continues to be particularly harsh to Mr. Gerace, and we see no legitimate basis for that," said Steven M. Cohen, who with attorneys Eric M. Soehnlein and Joseph M. LaTona, represents Gerace. "He appears to accept whatever the prosecution says at face value, even though they are bare allegations not supported by evidence."

Judge refuses to suppress evidence from searches of Gerace's home and strip club

While the judge did not mention rats in his ruling, "during oral argument it was a point that he focused on and ... there is no evidence linking these alleged dead rats to our client," Cohen said.

"I think it very much influenced this judge," Cohen said of the rats.

Cheektowaga strip club owner ordered held until trial following new arrest

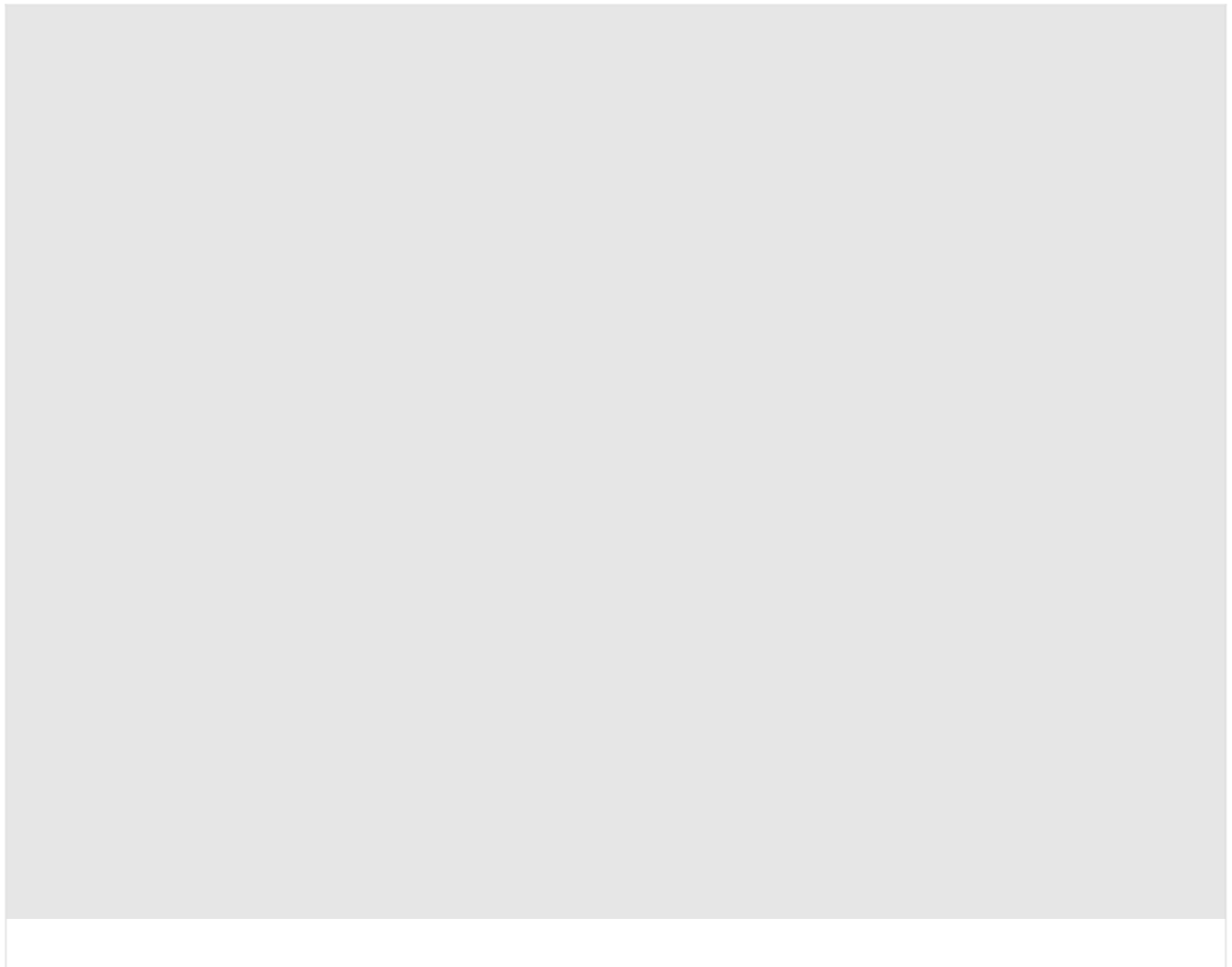
Gerace has not always been locked up since a grand jury returned an indictment in February 2021 charging him with paying a bribe to a public official, maintaining a drug-involved premises, conspiracy to distribute controlled substances, conspiracy to commit sex trafficking and conspiracy to defraud the United States. But Gerace was arrested and detained this past March after a grand jury found probable cause that he was responsible for threatening Facebook messages in 2019 to a potential witness against him.

The messages were sent, while Gerace was in his home, on another person's phone and Facebook account. Prosecutors say the Facebook threats "exemplify Gerace's ability to motivate and utilize others to tamper with witnesses."

Gerace faces up to life imprisonment on charges that he bribed a DEA agent, conspired to distribute controlled substances, maintained Pharaoh's as a drug-involved premises and victimized vulnerable women by exploiting their drug addictions in order to coerce them into engaging in commercial sex acts with him, his friends and associates.

For the charges filed this year, he faces up to 20 years of imprisonment on charges he distributed cocaine and threatened a woman he perceived to be a witness against him. Since Gerace realized he was a target of the federal investigation, he and others have engaged in a pattern of attempting to obstruct justice by intimidating and tampering with witnesses, according to the U.S. Attorney's Office.

Soehnlein suggested to Sinatra last week that the cooperating witness had the means, motive and opportunity to put the dead rats on the cars herself as a way to earn more credit from prosecutors to further reduce criminal sanctions she may face.



Feds arrest woman expected to testify against strip club owner in upcoming trial

"If he were to try to use dead rats on a car to intimidate a witness, it would be one of the worst ways to accomplish that goal," Soehnlein said. "It's not something that would make any sense for Mr. Gerace to do. But, boy, does it make sense for this witness to have put it there herself."

Assistant U.S. Attorney Nicholas T. Cooper told Sinatra that nothing leads the government to believe the witness put the rats on the cars herself.

"I don't know how anybody who is an attorney can say to the court Mr. Gerace has no reason to want to do this," Cooper said. "It's ridiculous. The person is a witness against him in a felony indictment. There is an obvious reason for him to want to do it."

Prosecutors asked the judge to consider the dead rats and hold firm in his conclusion just two months ago that Gerace posed a danger to the community.

"The only thing that has changed since then is that additional circumstances have revealed he likely was engaged in more witness tampering than the court realized at the time, and that since he has been detained no government witnesses have reported any issues. Just like the timing and placement of the dead rats, that is no coincidence," the U.S. Attorney's Office said in its filing.

Sinatra said he "painstakingly considered all arguments on both sides, balancing Gerace's liberty interest with the need for witness and public safety."

The judge said he considered whether any conditions of release he could place on Gerace would "reasonably assure the safety of any other person and the community."

He concluded there are none.

Appointment of new Bongiovanni defense lawyers prompts delay of high-profile trial

Gerace's co-defendant, Joseph Bongiovanni, a former Drug Enforcement Administration agent, faces charges that he accepted \$250,000 in bribes from Gerace and others who he believed were associated with "Italian organized crime," and provided them with information about investigations and cooperating sources.

Gerace and Bongiovanni are scheduled to stand trial together beginning Aug. 14.

By Patrick Lakamp

Enterprise Editor

https://buffalonews.com/news/local/crime-and-courts/prosecutor-calls-late-judge-michalski-unindicted-co-conspirator-in-gerace-sex-trafficking-case/article_732e1112-0573-11ee-bf9d-ebe59a91d8da.html

EDITOR'S PICK

Prosecutor calls late Judge Michalski 'unindicted co-conspirator' in Gerace sex-trafficking case

Lou Michel , Patrick Lakamp

Jun 11, 2023



State Supreme Court Justice John L. Michalski died by suicide in April 2022.

Buffalo News file photo

Lou Michel , Patrick Lakamp

Federal prosecutors claim strip club owner Peter G. Gerace Jr. arranged sex for John L. Michalski, a State Supreme Court justice who later died by suicide, and gained judicial favors from him.

Feds search home of State Supreme Court Justice John Michalski, who was hit by train last year

Michalski, described as an unindicted co-conspirator in Gerace's sex-trafficking case, sent Gerace a text message mentioning a prostitute he liked, according to prosecutors.

At a March hearing, a federal prosecutor said Michalski could be referred to as an unindicted co-conspirator to a sex-trafficking crime because of evidence showing him to be a customer of "high-end prostitution."

Prosecutors accuse Gerace of exploiting drug-addicted dancers at his Pharaoh's Gentlemen's Club in Cheektowaga by providing them drugs to get them to perform sex acts for him and his friends – a key accusation in the federal case against him.

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But Gerace was also grooming “people in high places,” such as Michalski, they say.

“It goes to show you that people in a position of power this defendant has access to, absolutely ruin people’s lives,” Assistant U.S. Attorney Joseph M. Tripi said at a March hearing urging U.S. District Judge John L. Sinatra Jr. to keep Gerace in jail prior to his trial.

Judge's dangerous encounter with train astonishes those who know him

Gerace has been behind bars since the hearing, and Sinatra's ruling this past Tuesday will keep him in custody ahead of his trial in August.

The U.S. Attorney's Office invited Michalski in 2021 to talk to prosecutors about Gerace and what he knew about him, but the judge declined, said attorney Anthony J. Lana, who represented the judge.

Lana said Michalski told him that he didn't know about any suspected drug- or sex-trafficking at Pharaoh's, telling his lawyer, "I have nothing to tell them." Lana said that when he pressed Tripi to show him any evidence of criminality involving the judge, "it was all speculation – all nebulous."

"He's not going to win husband of the year award, but that's a far cry from being an unindicted co-conspirator," Lana said of Michalski.

Michalski's widow expressed anguish Thursday in a statement to The Buffalo News after she was asked about the prosecutor's allegations against her husband.

Judge refuses to release strip club owner ahead of bribery, sex- and drug-trafficking trial

Here's how Michalski helped Gerace, according to prosecutors:

The judge issued a protective order shielding witnesses' identities in a previous police investigation of suspected drug trafficking at Gerace's club, and did not recuse himself, although he and Gerace were friends.

"And then, ultimately, that case went nowhere. I don't think that was a coincidence," Tripi said at the hearing.

Michalski handled a vehicular assault case involving Gerace's ex-wife in which she pleaded guilty. Previously, Michalski mocked the former spouse whom Gerace has been at odds with.

The judge approved a name change for Gerace's son on the same day Gerace made the request.

Gerace flaunted his connections with powerful people, Tripi said at the hearing.

"He has bragged to witnesses that he has contacts in every local police department, political figures and many others," the prosecutor said of Gerace.

"His unindicted co-conspirators include drug dealers, organized crime associates and even a local judge," the U.S. Attorney's Office wrote in a recent court filing.

Prosecutor refers to Judge John Michalski as unindicted co-conspirator (p. 20).

1 And one of them relates to some of the relationships
2 with some of the people that go to Pharaoh's, to include a
3 former State Supreme Court judge.
4 The law provides that "Johns", that is men who receive
5 sex from prostitutes, are liable for Federal sex trafficking
6 crimes.
7 They can be what are referred to as unindicted
8 co-conspirators. Now, this particular judge I'm talking about
9 is unfortunately deceased former Judge Michalski.
10 But it goes to show you that people in the position of
11 power this defendant has access to, absolutely ruin people's
12 lives.

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U.S. Attorney's Office refers to local judge being unindicted co-conspirator of Gerace (p. 16).

conspiring with, among others, a sworn DEA agent. His unindicted co-conspirators include drug dealers, organized crime associates, and even a local Judge. In United States v. Marino,

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A suicide after a raid

Michalski died by suicide in his Amherst home April 5, 2022, 12 days after **police executed a search warrant there.**

The judge had also been hospitalized Feb. 28, 2021, after **he lay in front of a moving freight train** in Depew and was hit by it. The train incident happened about two weeks after federal **agents contacted Michalski about his friendship with Gerace.**

During the 2022 search of his home, police from federal and state agencies seized documents related to a small online business run by the judge's wife, Lana previously confirmed.

Given the judge's fragile mental state at the time, "there's no coincidence of the suicide shortly after that happened," Lana said of the raid. "I thought that was egregious."

Michalski was never charged with any crimes.

"I had the privilege to assist Judge Michalski with the inquiry by the State Commission on Judicial Conduct and the Office of Court Administration," attorney Terrence M. Connors told The News. "After both of these matters were concluded, the judge was returned to the bench. Both of these agencies cast aside the unreliable, scurrilous accusations from anonymous sources with no credibility."

"There's nothing more that the government and the media can do to us as a family that will hurt us," said the judge's widow, Susan Michalski. "It is shameful to be talking about a man who has recently passed on, and a family who is trying so hard to heal. Please just leave us alone," she said in a statement to The News delivered by Connors.

Tripi declined to comment to The News about mentioning Michalski at the March detention hearing for Gerace.

The U.S. Department of Justice's prosecutor's manual counsels against identifying an unindicted co-conspirator in an indictment, because it does not give the person a chance to defend himself or herself, Connors said.

"With the judge, it was worse because it wasn't even a finding returned by a grand jury," Connors said.

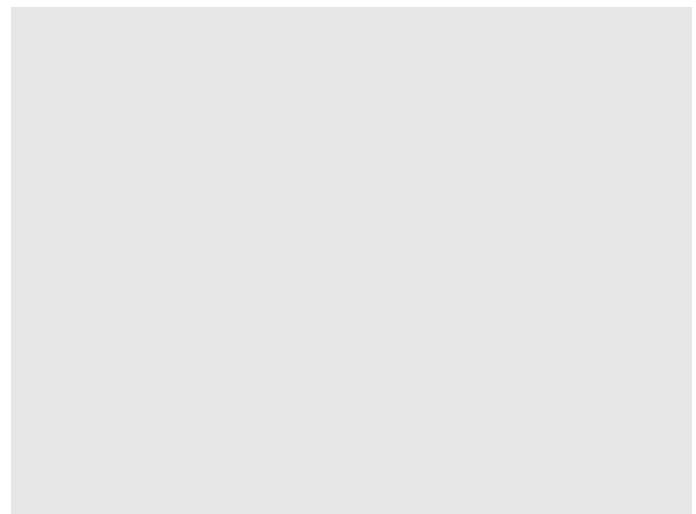
In this case, Michalski was identified as an unindicted co-conspirator, not in the indictment, but at a detention hearing in which Tripi described Gerace as a danger to the community.

"We do not comment on pending cases," U.S. Attorney Trini E. Ross told The News. "As a general matter, there is a legitimate government interest in providing the court with information relevant to inform its decisions."

Gerace faces multiple charges

Gerace has pleaded not guilty to **a 2021 indictment that he bribed a Drug Enforcement Administration agent**, conspired to distribute controlled substances, maintained Pharaoh's as a drug-involved premises and exploited the drug addictions of dancers at the club to coerce them into engaging in sex acts.

During a March 24 hearing after Gerace was arraigned on additional charges, Tripi said a former Pharaoh's dancer will testify at Gerace's trial about how she began dancing at Pharaoh's as an 18-year-old and continued there for approximately five years. When she began working there, she told authorities, she had never used drugs. But within two months,

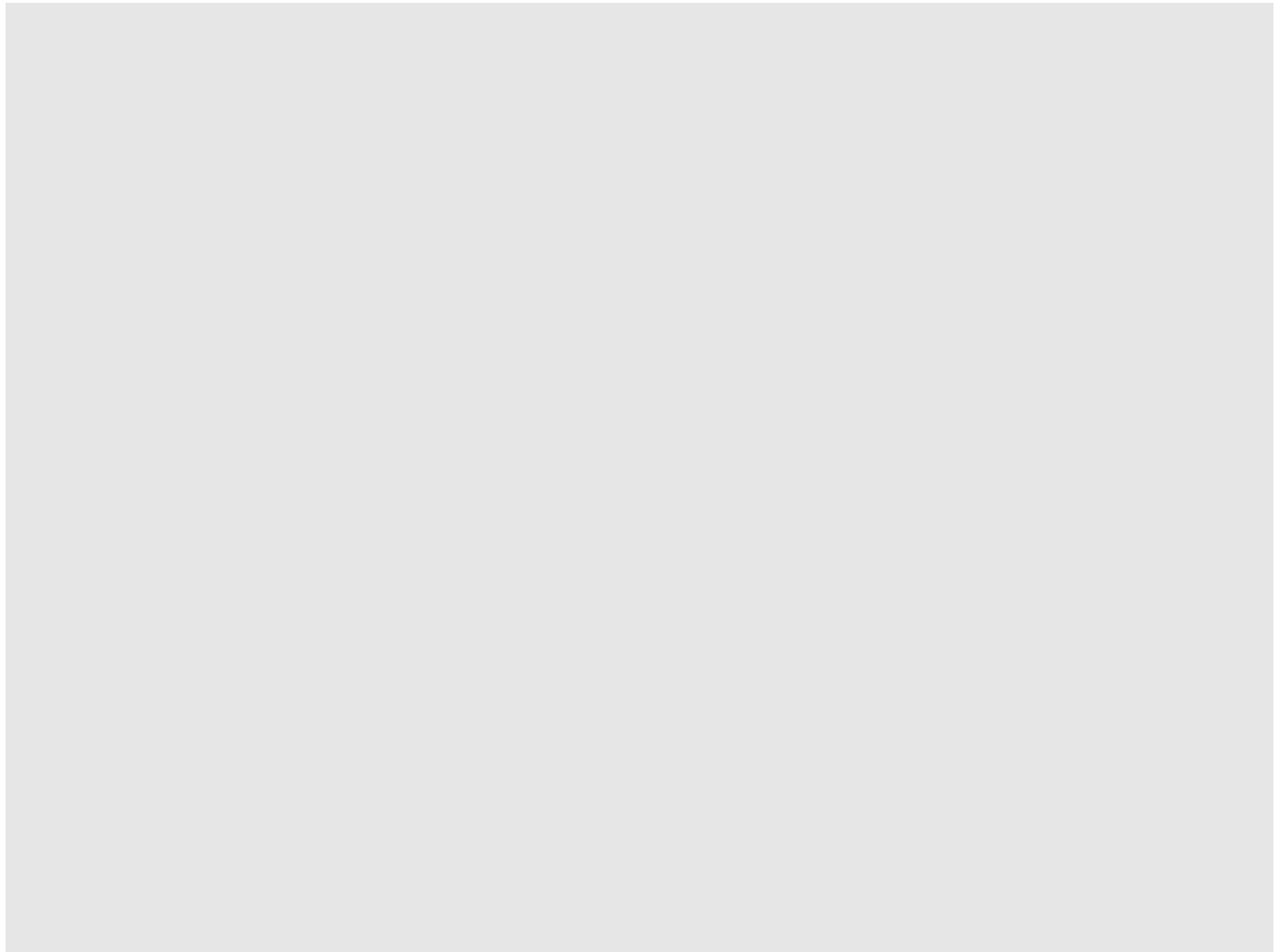


Peter G. Gerace Jr. will remain in custody until his August trial.

Photo courtesy of the Broward County Sheriff's Office

she was addicted to cocaine and heroin and began having sex in exchange for drugs and money with Gerace and his friends, Tripi said.

At that March arraignment, Gerace pleaded not guilty to the **three additional counts of witness tampering** and selling cocaine. It was at a detention hearing afterward when Tripi sought to have Gerace returned to pretrial detention, calling him a danger to witnesses and the community.



A federal agent outside Peter Gerace's Pharaoh's Gentlemen's Club on Aero Drive in Cheektowaga during a raid in December 2019.

Robert Kirkham, News file photo

At the hearing, Tripi said Gerace had engaged in criminal conduct while on pretrial release and he cited what he called Gerace's history of witness tampering and intimidation.

“Moreover, he has boasted about having law enforcement and judicial contacts and has described himself to one witness as untouchable,” Tripi said.

Texts between Michalski and Gerace

During that hearing, Tripi said he anticipated introducing at Gerace’s trial text messages from Michalski to corroborate the expected testimony of some witnesses. Tripi said text exchanges between Gerace and Michalski reveal the judge as “one example ... of people in high places that we submit the defendant has been able to groom over time.”

[Prosecutor says Judge Michalski didn't recuse himself from taking guilty plea from Gerace's wife](#) (p. 24)

2 Despite that and despite knowing full well the
3 relationship that he had with Gerace and the witness in this
4 case, when his ex-wife was arrested for driving drunk and
5 hurting someone, the judge heard the case, took the plea.
6 And then only when publicity in this case started, he
7 recused himself prior to sentencing.
8 And that's just one example that I'm willing to talk
9 about today, of people in high places, that we submit the
10 defendant has been able to groom over time.
11 Just like females that he groomed at his club,
12 leveraged relationships with, and ruined lives.

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Tripi cited a 2015 text from Michalski to Gerace using a vulgar term indicating he was looking for a woman for sex.

Gerace responded, “Where and when?” Tripi said.

At the hearing, Tripi said he anticipates introducing evidence against Gerace about high-end prostitution for important people in this community, including some lawyers.

“Regarding some of the high-end prostitution, there was evidence that Judge Michalski was one of those high-end customers, and that he liked the female name Shelby,” Tripi said.

Prosecutor says Judge Michalski was customer of a high-end prostitute at Gerace's Pharaoh's Gentlemen's Club (p. 22)

12 I anticipate evidence about high-end prostitution for
13 important people in this community, to include some potential
14 defense lawyers.

15 One defense lawyer who was mentioned by other
16 witnesses, testified in the Grand Jury and acknowledged that
17 Gerace provided him with cocaine on several occasions, to
18 include at Pharaoh's.

19 That defense lawyer testified in the Grand Jury, and
20 they will be getting his Jencks this week.

21 Regarding some of the high-end prostitution, there was
22 evidence that Judge Michalski was one of those high-end
23 customers, and that he liked the female name Shelby.

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Tripi also provided Sinatra with a 2017 exchange of texts in which Gerace and Michalski discussed Gerace's former wife Katrina L. Gerace, also known as Katrina Nigro.

“... he was sending screenshots of her mug shots to the judge, who mocked her. Who said things like: ‘Wow. Unbelievable. Ha ha ha.’ And, ‘She looks like crap. Give her enough rope.’

“Despite that and despite knowing full well the relationship that he had with Gerace and the witness in this case, when (Gerace’s) ex-wife was arrested for driving drunk and hurting someone, the judge heard the case, took the plea. And then only when publicity in this case started, **he recused himself** prior to sentencing.”

The Buffalo News has reported that Katrina Gerace has served as a witness for federal law enforcement authorities investigating suspected organized crime activities involving her ex-husband and others.

Gerace is the nephew of **Joseph A. Todaro**, whom prosecutors and federal agents have identified in court documents as the leader of Buffalo’s “Italian Organized Crime” organization. Todaro, the owner of La Nova Pizza, is not charged in this case and has repeatedly denied being involved in organized crime. Gerace has also denied being involved in organized crime.

Gerace’s lawyer criticizes prosecutor

Steven M. Cohen, one of the attorneys who represents Gerace, lashed out at Tripi earlier this week.

“The assistant United States attorney continues to make allegations and propound innuendo, no evidence,” Cohen said. “We look forward to a trial before impartial jurors so that our client can be acquitted and finally move beyond these baseless allegations.”

Cohen said the reason Gerace has “many friends in law enforcement and in positions of trust and honor is because he is a good and decent man.”

Cohen also defended Michalski, saying Tripi “besmirched ... an excellent judge of blessed memory.”

“There seems to be no depths to which he will not plunge to attack Mr. Gerace,” Cohen said. “John Michalski was a true gentleman and a fair judge.”

Michalski was appointed to serve as a judge in 2006 to fill a vacancy on the State Court of Claims and assigned to handle cases in State Supreme Court in Erie County. Gerace was a client of Michalski's before he became a judge.

In an example of the connection between Gerace and Michalski, Tripi cited an incident from 2015 when the Erie County District Attorney's Office obtained a protective order from Michalski involving a police undercover investigation at Pharaoh's involving drugs.

"The Erie County DA's Office at the time, surely unaware of the relationship between Judge Michalski and Peter Gerace, actually went to Judge Michalski to get a protective order to not disclose the names of identifying witnesses in the case..." Tripi said.

That investigation "went nowhere," Tripi said.

Prosecutor says Judge Michalski didn't recuse himself during prior State Police probe at Pharaoh's Gentlemen's Club (p. 23)

4 In 2015, the New York State Police received
5 information that prostitution and narcotic activity was taking
6 place at Pharaoh's, and they began undercover operations there,
7 where they purchased cocaine inside of Pharaoh's in January of
8 2015.

9 The Erie County DA's office at the time, surely
10 unaware of the relationship between Judge Michalski and Peter
11 Gerace, actually went to Judge Michalski to get a protective
12 order to not disclose the names of identifying witnesses in the
13 case until trial of one of the dancers who sold drugs.

14 Michalski -- who I'll get into in a moment -- had, in
15 the defendant's prior criminal case, written a letter on his
16 behalf, acknowledging they were personal friends, didn't recuse,
17 signed the order. And then ultimately, that case went nowhere.
18 I don't think that was a coincidence.

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Continued efforts by defense lawyers, as recently as this week, to gain Gerace's release ahead of his Aug. 14 trial with co-defendant Joseph Bongiovanni, the former DEA agent, have been unsuccessful.

The indictment accuses Bongiovanni of accepting at least \$250,000 in bribes from drug dealers whom he thought were associated with Italian organized crime and shielding them from arrest. He has pleaded not guilty.

Contact Mike McAndrew at mmcandrew@buffnews.com

By Lou Michel
reporter

By Patrick Lakamp

Enterprise Editor

https://buffalonews.com/news/local/crime-and-courts/strip-club-owner-accused-of-drug-and-sex-trafficking-faces-additional-2-million-covid-fraud/article_a8f91b46-0cf0-11ee-9805-bb1eb2ba611d.html

EDITOR'S PICK

Strip club owner accused of drug and sex trafficking faces additional \$2 million Covid fraud counts

Patrick Lakamp

Jun 18, 2023



Pharaoh's Gentlemen's Club in Cheektowaga, where owner Peter Gerace Jr. allegedly told federal loan officers, false prurient sexual nature.

Buffalo News file photo

Patrick Lakamp

The indictments are piling up for the owner of Pharaoh's Gentlemen's Club.



Peter Gerace Jr.

Courtesy of Niagara County Sheriff's Office

Peter Gerace Jr. now faces fresh charges that he defrauded the government of \$2 million in Covid aid for the Cheektowaga strip club, in what is considered to be one of the largest Covid fraud cases in Western New York.

A federal grand jury indicted Gerace on four counts of wire fraud, adding to his drug- and sex-trafficking charges as well as witness tampering in previous indictments.

Gerace's lawyer entered a plea of not guilty to the Covid fraud charges at his court proceeding Thursday.

Gerace has been behind bars since March, and given his upcoming August trial on the other felony charges, the Covid fraud charges would “not be the focus of our attention” until the other charges are resolved, defense attorney Eric Soehnlein told U.S. Magistrate Judge Michael J. Roemer.

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According to the new indictment, Gerace tricked and misled the Small Business Administration into approving a loan and two loan modifications under the Economic Injury Disaster Loan program, which provided emergency financial assistance to small businesses to help them meet expenses when they were shut down or curtailed in the early stages of the pandemic.

In the indictment, the government describes Pharaoh's as a "gentlemen's club" or "strip club" that offers live sexual performances to patrons in the form of exotic and nude dancing. The club employs the dancers as independent contractors or W-2 employees, and they charge patrons for private or semi-private lap dances. Dancers charge patrons a fixed rate per song and accept tips and they contribute a portion to the club.



Judge refuses to release strip club owner ahead of bribery, sex- and drug-trafficking trial

The SBA loan applicants are required to certify, among other things, that the business does not present live performances of a prurient sexual nature.

Applicants must also certify they had not ever been convicted of any criminal offense. Gerace was convicted in 2005 of conspiracy to commit wire fraud.

On his initial application, Gerace falsely certified that Pharaoh's did not present live performances of a sexual nature and that he had never been convicted of any criminal offense, according to the indictment.

The fraud allegations are being charged as wire fraud because his loan application was electronically submitted from Western New York via an internet portal to servers located outside the state.

On April 5, 2020, Gerace submitted the online loan application seeking \$150,000 – the first count of the indictment.

He was required to review and sign a loan authorization and agreement, which he did on June 12, 2020, the second count of the indictment.

The third and fourth counts of the indictment pertain to his amended loan agreements in August 2021 and December 2021, which respectively increased the loans to \$500,000 and then \$2 million.

The fraud counts carry a possible sentence of up to 20 years in prison, Assistant U.S. Attorney David Rudroff said at the court proceeding.

Gerace has not always been locked up since a grand jury returned an indictment in February 2021 charging him with paying a bribe to a public official, maintaining a drug-involved premises, conspiracy to distribute controlled substances, conspiracy to commit sex trafficking and conspiracy to defraud the United States.

If convicted of the third and fourth counts, Gerace could be sentenced to an additional term in prison, up to 10 years, because he allegedly fraudulently amended his loan agreement while he had been released from custody after his February 2021

indictment, Rudroff said.



Strip club owner facing trial arrested on new charges of witness tampering

Gerace was arrested and detained this past March after a grand jury found probable cause that he was responsible for threatening Facebook messages in 2019 to a potential witness against him.

Roemer set a Nov. 13 deadline for motions in the fraud case, with oral argument set for Jan. 10.

The Covid fraud charges do not come as a surprise.

When federal prosecutors sought to put Gerace in pretrial custody following the witness tampering indictment in March, they brought up during a court hearing that the U.S. Attorney's Office had just received a subpoena response from the SBA regarding Gerace's Covid aid application.

“It’s clear from that application that the defendant made several material false statements that resulted ultimately in him acquiring \$2 million from the Small Business Administration, based upon material misrepresentations that are in this application,” Assistant U.S. Attorney Joseph Tripi said during the March 24 hearing.

As of July 2021, he was under federal indictment, Tripi said, and another question on the loan application amendment reads: Are you presently subject to an indictment?

“And he says no,” Tripi said. “And when he went to extend the loan, there is questions: Has anything changed since the last time? So he should have said yes. I am now under federal indictment. He indicates no. And he gets the loan funded to the tune of \$2 million.”

Tripi said Rudroff, the U.S. Attorney’s Office coordinator for Covid prosecutions, estimated “that this is the third or fourth largest fraud of Covid ... in this district.”

In a court filing in April, Soehnlein said Gerace has valid defenses to the Covid fraud allegations and demonstrated efforts to comply with the law.

“Mr. Gerace, like many other business owners, was solicited by a private lender to apply for the loans,” Soehnlein wrote. “Working with his accountant and individuals at the lender, Mr. Gerace prepared the loan applications. He believed at the time that he filled out the application appropriately. He relied on the advice and guidance of individuals he trusted in that regard. Perhaps more importantly, the record shows Mr. Gerace’s business used the money appropriately and that he is repaying the loans – with interest – as contemplated by the program.”

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By Patrick Lakamp

Enterprise Editor

https://buffalonews.com/news/local/crime-and-courts/judge-recuses-himself-from-strip-club-owner-case-after-voicing-suspicion-of-legal-gamesmanship/article_b3bd89ee-103e-11ee-82da-53ded94b7e1b.html

EDITOR'S PICK TOPICAL

Judge recuses himself from strip club owner case after voicing suspicion of legal 'gamesmanship'

Patrick Lakamp

Jun 21, 2023



The Robert H. Jackson United States Courthouse in Buffalo.

Derek Gee/News file photo

Patrick Lakamp

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U.S. District Judge John L. Sinatra Jr. recused himself Wednesday from a high-profile bribery, sex- and drug-trafficking case less than two months before the scheduled start of the trial for the strip club owner and former DEA agent facing the charges.

The judge removed himself from the case over two names on a witness list submitted by attorneys for Peter Gerace Jr., the owner of Pharaoh's Gentlemen's Club in Cheektowaga.

"Given defendant Peter Gerace Jr.'s inclusion of two individuals as supposed character witnesses among the hundreds of individuals on his witness list, recusal even in the absence of any bias, prejudice or partiality is now required," Sinatra said in his order.

Judge refuses to release strip club owner ahead of bribery, sex- and drug-trafficking trial

From the bench during Wednesday's status conference, Sinatra said including the two on the witness list "appears to be gamesmanship" and he said he was "skeptical of the tactic."

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"Recusal is no small matter," Sinatra said.

But after defense attorney Steven M. Cohen said one of the two is likely to be called as a witness and the other could possibly be summoned, Sinatra said he had no option other than recusal.

"I am duty-bound to recuse," Sinatra said at the proceeding.

After the proceeding, Cohen told The Buffalo News that character testimony is critical to his client's defense at trial.

Prosecutors have said evidence will show that one of the ways in which Pharaoh's Gentlemen's Club dancers were coerced into engaging in sex acts was through their drug addictions. They were provided drugs to fuel their addictions and were thereby coerced into having sex with Gerace and others close to Gerace, according to prosecutors' court papers.

"This is not a case where they have any evidence," Cohen said of the government, even after all of the executed search warrants. "There's nothing going to be on the table. You know, here are the handcuffs that were used to chain the girls to the wall.

Doesn't exist. Here's a picture of the container that the girls were shipped off to Shanghai. Doesn't exist. Here are the drugs that were caught or bought on premises. Doesn't exist. So this is all about character."

Ex-DEA agent, strip club owner should be tried together, judge says

The witness list for Gerace is a sealed court document, and the judge did not identify either of the two potential witnesses at issue during Wednesday's proceeding. Sinatra did not discuss the connection he has to the two people that prompted his recusal.

Sinatra seemed vexed that Cohen included the two on the witness list.

Isn't there anybody else among "the thousands of others" who could testify as character witnesses, the judge asked Cohen.

"I didn't whip up these names out of thin air," Cohen replied.

Prosecutors are the ones who brought up their names, Cohen said, citing material the government has turned over to defense attorneys for Gerace and retired Drug Enforcement Administration agent Joseph Bongiovanni.

“We won’t know until the government puts on their case why they brought up these names,” Cohen told The News after the proceeding. “So we are reserving the right to call them, and let’s see how the case fleshes out. That’s it.”

Assistant U.S. Attorney Joseph Tripi told Sinatra during the proceeding that one of the two names on Gerace’s witness list has “zero relevance to this trial” and challenged the defense counsel’s characterization of how important either witness would be.

Federal authorities have charged Bongiovanni of accepting \$250,000 in bribes from drug dealers and providing them with information about investigations and cooperating sources. Gerace, who was ordered by Sinatra to stand trial with Bongiovanni, is charged with bribing Bongiovanni and conspiring to engage in drug trafficking and human trafficking at Pharaoh’s.

Attorneys Robert Singer and Parker MacKay, who represent Bongiovanni, declined to comment about the judge’s recusal.

Defense attorney Eric Soehnlein, who with Cohen represents Gerace, said there are many ways to defend Gerace at trial.

“We don’t have to pick a way to defend him until we see the government’s proof. That’s fair to us,” Soehnlein said. “And one very plausible, very likely way to defend this case involves testimony from those individuals. Because they’re going to be talking about Mr. Gerace in connection to circumstances that are very close to the allegations in the government’s case.

“And so we have reserved the right to put on that kind of case,” he said. “It’s our duty to reserve that right.”

In public remarks, Cohen has been critical of Sinatra over some of his rulings.

Earlier this month, when Sinatra ordered Gerace to remain in pretrial custody, Cohen said, “This judge continues to be particularly harsh to Mr. Gerace, and we see no legitimate basis for that.”

In May, when Sinatra ruled he would not suppress evidence seized during the 2019 searches of Peter G. Gerace Jr.’s home and Pharaoh’s, Cohen said, “The government is doing everything in its power to prevent Gerace’s defense from preparing our client for trial. Regrettably, they have found a sympathetic judge who has ordered all these restrictions.”

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By Patrick Lakamp

Enterprise Editor

https://buffalonews.com/news/local/crime-and-courts/fearing-a-carnival-like-trial-prosecutors-seek-gag-order-in-gerace-sex-trafficking-case/article_f3dc2fa4-15ba-11ee-9f2c-c3eafab23ec7.html

EDITOR'S PICK

Fearing a 'carnival-like' trial, prosecutors seek gag order in Gerace sex-trafficking case

Patrick Lakamp

Jun 28, 2023

Annoyed and alarmed by a defense lawyer's public comments, prosecutors have asked a federal judge for a gag order in a high-profile bribery, sex- and drug-trafficking case.

The government called the gag order necessary, saying that Steven M. Cohen, the lawyer for Peter Gerace Jr., the owner of Pharaoh's Gentlemen's Club in Cheektowaga, keeps making comments to the local media "in order to denigrate witnesses, potentially pollute the jury pool, and to otherwise try this case through the media," according to the motion filed Tuesday.

"Gerace's counsel has, almost from the inception of this case, been on a campaign to try this case through the media and has repeatedly made critical comments about witnesses, the judiciary, evidence and prosecutors," according to the prosecution's court filing.

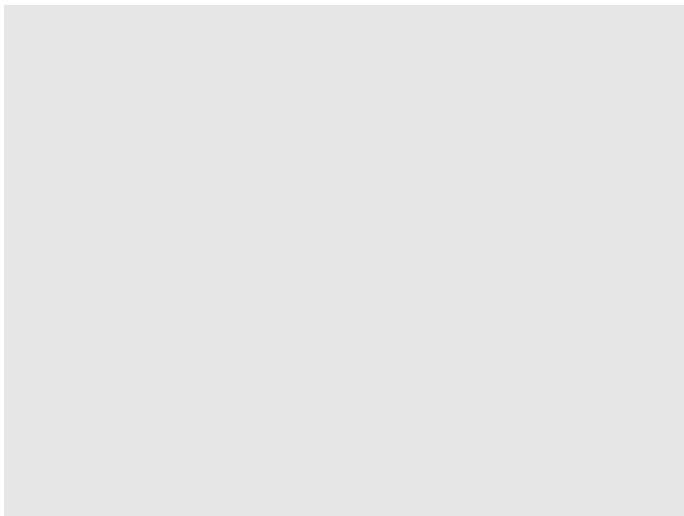
"This case should be tried in court and not devolve into a carnival-like atmosphere," prosecutors said in their court filing, accusing Cohen of trying to use media coverage to garner public support for Gerace.

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Federal authorities have accused Gerace of bribing Joseph Bongiovanni, at the time a Drug Enforcement Administration agent, and conspiring to engage in drug trafficking and human trafficking at Pharaoh's. Prosecutors have charged the now-retired Bongiovanni with accepting \$250,000 in bribes from drug dealers and providing them with information about investigations and cooperating sources.



Peter Gerace Jr.

Courtesy of Niagara County Sheriff's Office

Cohen was not available to comment Wednesday morning.

The request comes amid upheaval in the case.

Last week, U.S. District **Judge John L. Sinatra Jr. removed himself** from the case less than two months before the scheduled start of the trial. Sinatra said two names on Gerace's witness list required his recusal, "even in the absence of any bias, prejudice or partiality." The case has been reassigned to U.S. District Judge Lawrence Vilardo, who is scheduled to hold a status conference on Friday.

Earlier this week, another of Gerace's lawyers asked to withdraw from the case.

Attorney Eric Soehnlein said he reviewed the New York State Rules of Professional Conduct and the Federal Rules of Criminal and Civil Procedure.

“Based upon that review, I believe that good cause exists for my withdrawal,” he said in a public court filing, without explaining his reason.

He said he submitted a memorandum of law to the court to provide additional information, but that is not public. There has been no ruling on Soehnlein’s request.

Another change to Gerace’s defense team also might happen, depending on the outcome of another motion from prosecutors.

This week, the U.S. Attorney’s Office filed an affidavit, under seal, asking the court for an inquiry to determine whether a conflict of interest exists in Cohen’s representation of Gerace. If the judge finds a conflict exists, and it is not one the court would allow Gerace to waive, Cohen would be off the case.

The government called the request for a gag order “narrowly tailored” to protect witness safety and the integrity of the trial while ensuring protection of the defendants’ and counsel’s right to free speech.

The government wants the judge to prevent counsel from commenting on witnesses, testimony, evidentiary rulings and court decisions.

A gag order would not restrain the media’s ability to cover the case or report upon events occurring in court or in filings, prosecutors said.

“Given Mr. Cohen’s history of lambasting prospective government witnesses before trial has even begun, the government is concerned about the chilling effect similar comments may have if directed at other witnesses, particularly those who are unrepresented,” according to the prosecutors. “If defense counsel is permitted to spin a witness’s testimony in the press and accuse that witness of lying, there is serious potential that other witnesses will decide not to show up to trial or testify truthfully out of fear that they will be portrayed as liars who are responsible for Gerace’s plight.”

In their request for a gag order, prosecutors cited a dozen news articles – all but one published by The Buffalo News.

In them, according to prosecutors, Cohen has made outlandish and inaccurate comments that:

Questioned the impartiality of Sinatra.

Besmirched government witnesses.

Falsely described the discovery produced or made available by the government.

Improperly attacked the motives and reputation of government counsel.

Offered critical commentary about adverse decisions and rulings.

In public remarks, Cohen has been critical of Sinatra over some of his rulings.

Earlier this month, when Sinatra ordered Gerace to remain in pretrial custody, Cohen said, “**This judge continues to be particularly harsh to Mr. Gerace**, and we see no legitimate basis for that.”

In May, when Sinatra ruled he would not suppress evidence seized during the 2019 searches of Gerace’s home and Pharaoh’s, Cohen said, “The government is doing everything in its power to prevent Gerace’s defense from preparing our client for trial. **Regrettably, they have found a sympathetic judge who has ordered all these restrictions.**”

In particular, Cohen has publicly identified and attempted to discredit Gerace’s former wife Katrina L. Gerace, also known as Katrina Nigro, whom the defense has long expected to be a government witness against Gerace, according to the prosecution’s court filing requesting the gag order.

In a March 2022 Buffalo News article, Cohen said of her: “A disgruntled and disturbed ex-wife has been casting aspersions against some very fine people. Regrettably, a naïve assistant U.S. attorney has swallowed everything this woman says hook, line and sinker.”

Assistant U.S. Attorney Joseph Tripi is among the prosecution team that submitted the request for a gag order, and Cohen has singled him out in public comments.

“Mr. Tripi continues to say my client is a danger,” **Cohen told The Buffalo News** earlier this year. “He hasn’t been able to point to a single instance where my client has threatened anyone directly or indirectly.”

Earlier this month, referring to Tripi, Cohen told the newspaper that “**the assistant United States attorney continues to make allegations** and propound innuendo, no evidence. We look forward to a trial before impartial jurors so that our client can be acquitted and finally move beyond these baseless allegations. There seems to be no depths to which he will not plunge to attack Mr. Gerace.”

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By Patrick Lakamp

Enterprise Editor

https://buffalonews.com/news/local/crime-and-courts/new-trial-date-set-for-strip-club-owner-ex-dea-agent-in-bribery-sex-/article_2412821e-1759-11ee-9559-c38e799ea3be.html

EDITOR'S PICK

New trial date set for strip club owner, ex-DEA agent in bribery, sex- and drug-trafficking case

Patrick Lakamp

Jun 30, 2023



A trial for former DEA agent Joseph Bongiovanni on drug and bribery charges was pushed back to Oct. 23 by a federal judge newly assigned to the case. He's shown here arriving on June 21 at the Robert H. Jackson U.S. Courthouse.

Derek Gee, Buffalo News

Patrick Lakamp

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The trial date for two defendants in a high-profile bribery, sex- and drug-trafficking case has been pushed back to Oct. 23, the second postponement in just over a month.

During a court proceeding Friday, U.S. District Judge Lawrence Vilardo characterized the new trial start date as “cast in stone.”

The 10-week delay follows a decision last week by U.S. District **Judge John L. Sinatra Jr. to remove himself** from the case, prompting it to be reassigned to Vilardo.

Prosecutors have charged **Joseph Bongiovanni**, a former Drug Enforcement Administration agent, of accepting \$250,000 in bribes from drug dealers and providing them with information about investigations and cooperating sources. A co-defendant, **Peter Gerace Jr.**, who will stand trial with Bongiovanni, is charged with bribing Bongiovanni and conspiring to engage in drug trafficking and human trafficking at Gerace’s Pharaoh’s Gentlemen’s Club in Cheektowaga.

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In May, Sinatra postponed a June trial start day to Aug. 14, when defense attorney James P. Harrington, who had represented Bongiovanni since April 2020, was **allowed to withdraw from the case** for medical reasons. Sinatra appointed Robert Singer and Parker MacKay as replacements.

Assistant U.S. Attorney Joseph M. Tripi supported Vilardo's initial suggestion to start the trial on Sept. 25, saying "this trial has to go."

But Steven M. Cohen, the lawyer for Gerace, sought a longer delay, saying he needs to find a lawyer to replace Eric Soehnlein, who recently asked the court's permission to withdraw from the Gerace defense team, and also because of Cohen's planned vacation in early October.

"I've got to get another lawyer," Cohen told the judge. "I can't try this case myself."

Singer told Vilardo that when Sinatra appointed Mackay and him to represent Bongiovanni, they asked for a January trial to give them time to review the case and prepare a defense. On Friday, given the options the judge was considering, they told Vilardo they preferred a November trial.

The new Oct. 23 trial date accommodates Cohen's vacation, but Vilardo indicated there would be no more postponements.

"Whatever you have to do to get back here by the 23rd, you're going to get back here by the 23rd," the judge told Cohen.

There are seven pending motions that Vilardo inherited, including one to dismiss the indictment, a request for a gag order, Soehnlein's withdrawal request and reconsideration of evidence suppression rulings.

Vilardo set July deadlines for lawyers to reply to the government's positions on the various motions.

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By Patrick Lakamp

Enterprise Editor

https://buffalonews.com/news/local/crime-and-courts/defense-lawyer-opposes-gag-order-in-gerace-sex-trafficking-case/article_820a11ae-23d7-11ee-949d-1f56ac9ef228.html

EDITOR'S PICK

TOPICAL

Defense lawyer opposes gag order in Gerace sex-trafficking case

Patrick Lakamp

Jul 17, 2023



Attorney Steven Cohen accuses federal prosecutors of trying in the media the high-profile bribery, sex- and drug-trafficking case against his client, Peter Gerace Jr., owner of Pharaoh's Gentlemen's Club.

Buffalo News file photo

Patrick Lakamp

A defense lawyer in a high-profile bribery, sex- and drug-trafficking case has urged a federal judge to reject the prosecution's request for a gag order.



Steven M. Cohen, the lawyer for Peter Gerace Jr., owner of Pharaoh's Gentlemen's Club in Cheektowaga, **said in a new court filing** that "the government's campaign to try this case through the media has been far more extensive, profound, excoriating, defamatory and effective than anything the Gerace defense team or I personally have done."

Prosecutors three weeks ago requested a gag order – four months ahead of Gerace's scheduled trial – because they say Cohen keeps commenting to the local media "in order to denigrate witnesses, potentially pollute the jury pool, and to otherwise try this case through the media."

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The prosecutors also complained that Cohen has improperly attacked the motives and reputation of Assistant U.S. Attorney Joseph Tripi, who's among the prosecution team that submitted the request for a gag order.

Cohen contended in his court filing Friday, based on his consultant's calculation, that 97% of the newspaper coverage of the case "besmirches, condemns and slams Mr. Gerace."

"It appears that the government's position is not that the media should not be used as a tool in this case, but rather that it should only be a tool used by the government to disparage Mr. Gerace, or to aggrandize Mr. Tripi," Cohen said.

Federal authorities have accused Gerace of bribing Joseph Bongiovanni, at the time a Drug Enforcement Administration agent, and conspiring to engage in drug trafficking and human trafficking at Pharaoh's. Prosecutors have charged the now-retired Bongiovanni with accepting \$250,000 in bribes from drug dealers whom he thought were associated with Italian organized crime and shielding them from arrest, as well as providing them with information about investigations and cooperating sources. Both have pleaded not guilty.

Cohen has previously said prosecutors have acted improperly by bringing mob allegations into their case.

Some two dozen of 30 stories in The Buffalo News over the past two years on the Gerace case cited prosecution references to "Italian Organized Crime" or "Buffalo Mob" or to Gerace as a defendant in an "organized crime case," according to Cohen's filing.

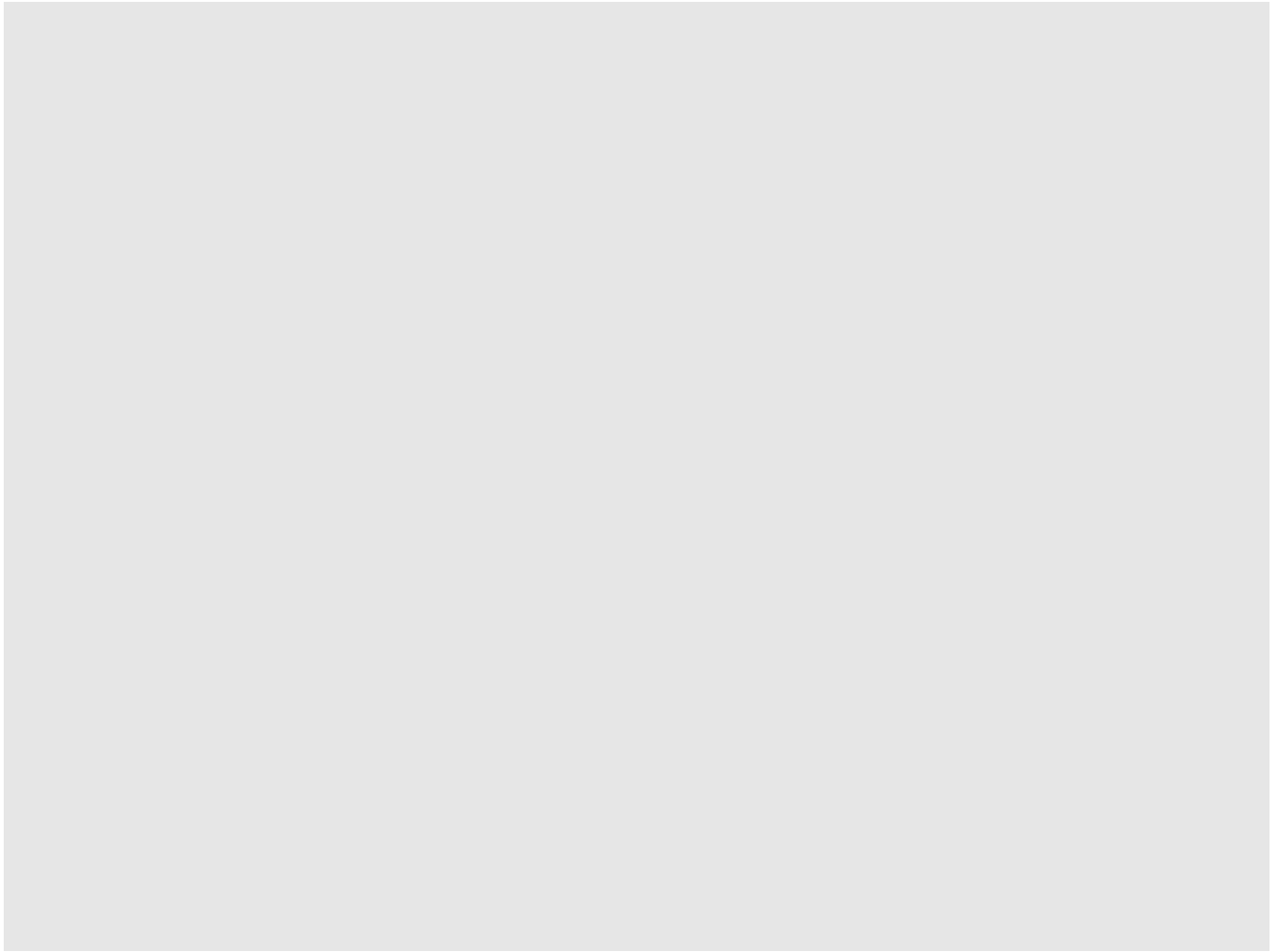
Cohen cited Gerace's arrest in March 2021 in Fort Lauderdale, Fla., as an example of what he called the government's manipulation of the media.

Gerace, of Clarence, was arrested while he was on vacation and charged with paying bribes to Bongiovanni, his childhood friend, and he was arraigned in U.S. District Court in Fort Lauderdale.

The arrests stemmed from a federal investigation into the Buffalo "Mafia" and "Italian Organized Crime," according to federal documents.

Gerace is the nephew of Joseph A. Todaro, whom federal agents and Tripi have identified in court or reports as the head of the Buffalo Mafia.

The investigation of this case had been going on for years before Gerace was ever indicted, Cohen said, and the government knew Gerace to be an acquaintance of Bongiovanni well before Bongiovanni's 2019 indictment.



Assistant U.S. Attorney Joseph M. Tripi, photographed following a news conference on Nov. 2, 2022.

Derek Gee/Buffalo News

The government's choice to wait until Gerace "took a rare vacation to Florida was, I am convinced, calculated to make a massive media splash derogatory to Mr. Gerace," Cohen said.

"It is undisputed that at the time of the arrest, Peter Gerace had a home in Erie County where he slept every night, a business in Cheektowaga where he worked every day, and a son who resided with him who he took to school and extra-curricular activities every day," Cohen said. "There is not a shred of evidence that even suggests that Mr. Gerace needed to be arrested in Florida, nor that he has ever evaded legal authorities.

“The government’s decision to wait until he took a trip to Florida was to orchestrate a very public, very embarrassing arrest where the media was present, and Mr. Gerace was forced to be detained in Florida and be subjected to profound negative media attention facilitated by Mr. Tripi’s office, which provided press materials which resulted in the highly inflammatory and prejudicial articles.

“I don’t see Mr. Tripi objecting to any of that coverage,” Cohen said.

Cohen said his firm hired **Steven G. Reszka to analyze media coverage** of the case. Reszka, in a court filing, said he reviewed 32 newspaper stories, all but two published in The Buffalo News, and 27 television news reports since March 2021. His report did not describe his methodology for determining what constituted favorable coverage for the prosecution or defense. Reszka called “favorable” a “subjective standard for which I am utilizing my expertise when categorizing language as favoring one side or another.”

Reszka said he has more than 35 years of experience in public relations, media relations, crisis communications and event management as well as owning and operating media-related consulting companies. He said he has some 45 years of radio and television experience, including 21 years in radio station ownership. He said he has been on the Buffalo Broadcasters Association board for about 25 years.

Reszka called media reports regarding this case “one-sided and overwhelmingly beneficial to the government and highly prejudicial to the defendants.”

“During the course of my career, and specifically in this case, I have observed Assistant U.S. Attorney Joseph Tripi, who appears quite adept and likely well-coached in dealing with the media,” Reszka wrote in a court filing. “Mr. Tripi consistently and deliberately uses inflammatory language in court documents and in the courtroom describing the defendant, knowing that the news media will pick up on this language and quote him in their stories.”

The U.S. Attorney’s Office declined comment Monday.

U.S. District Judge Lawrence Vilaro has set Tuesday as a deadline for the prosecution to respond in court to Cohen's filing.

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By Patrick Lakamp

Enterprise Editor

https://buffalonews.com/news/local/crime-and-courts/strip-club-owner-fires-lawyer-over-defense-strategy-in-bribery-sex--and-drug-trafficking/article_d4b9708a-2651-11ee-b4a6-3f81e4561ca2.html

EDITOR'S PICK

Strip club owner fires lawyer over defense strategy in bribery, sex- and drug-trafficking case

Patrick Lakamp

Jul 19, 2023



Steven Cohen said he was fired by Peter Gerace Jr. over irreconcilable differences in defense strategy.

Buffalo News file photo

Patrick Lakamp

The defense lawyer for Peter Gerace Jr., the strip club owner who faces bribery, sex- and drug-trafficking charges, told a judge Wednesday that Gerace wants to replace him over “irreconcilable” differences in legal strategy.

“I’ve been fired,” attorney Steven M. Cohen said during a proceeding in U.S. District Court.

Cohen said Gerace’s dissatisfaction with his legal representation “goes back a long time” over not following through with some of Gerace’s instructions that Cohen said were at odds with his trial strategy.

“I’m too old to have clients tell me how to run a case,” Cohen said.

U.S. District Judge Lawrence Vilaro, whose approval would be necessary to discharge Cohen from the case, asked for affidavits from Cohen or Gerace within a week. He said he would decide how to proceed after learning more about their differences.

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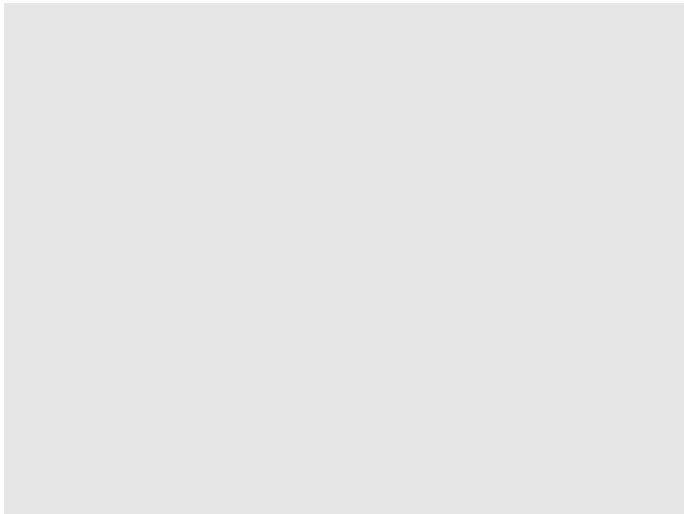
“I don’t plan to relieve you until there’s new counsel involved,” Vilaro said.

Gerace has reached out to other lawyers to hire, Cohen said.

But so far, Gerace has not found any able to represent him because of their commitments in other cases before Gerace’s scheduled trial start date of Oct. 23.

Cohen told Vilaro that Gerace indicated he would represent himself at trial if he had to.

“That would be an extraordinarily unwise thing for you to do,” Vilaro told Gerace, who has been in custody since March.



Peter Gerace Jr.

Courtesy of Niagara County Sheriff's Office

Federal authorities have accused Gerace of bribing Joseph Bongiovanni, at the time a Drug Enforcement Administration agent, and conspiring to engage in drug trafficking and human trafficking at Pharaoh's Gentlemen's Club in Cheektowaga. Prosecutors have charged the now-retired Bongiovanni with accepting \$250,000 in bribes from drug dealers whom he thought were associated with Italian organized crime and shielding them from arrest, as well as providing them with information about investigations and cooperating sources. Both have pleaded not guilty. Both are scheduled to stand trial together.

Last week, Vilaro allowed attorney Eric Soehnlein to withdraw from the Gerace defense team. The reason Soehnlein cited for his request was not included in any publicly available court document.

“But I think (Gerace) had similiar issues with Mr. Soehnlein that he now has with me,” Cohen said.

Cohen took over as Gerace's trial counsel in the summer of 2021 when Gerace's previous attorney, Joel Daniels, left the case over a conflict of interest issue regarding Daniels' representation of Gerace.

“I believe in Mr. Gerace’s defense 100%,” Cohen said. “But he has terminated me, and I think he has a right to do that.

“We’re at a point now where if we try this case and lose, Mr. Gerace has an instant appeal based upon the fact that he had counsel that wouldn’t do what he said,” Cohen said at the hearing. “And chances are I’ll end up being grieved or sued for malpractice.”

The comings and goings of lawyers and judges in the case have already caused the trial to be postponed twice.

In May, a June trial start day was postponed to Aug. 14 when defense attorney James P. Harrington, who had represented Bongiovanni since April 2020, was allowed to withdraw from the case for medical reasons. Attorneys Robert Singer and Parker MacKay were named as replacements, and they were given 89 days to prepare for trial.

Then the trial date was pushed back to Oct. 23 after U.S. District Judge John L. Sinatra Jr. removed himself from the case, prompting it to be reassigned to Vilardo.

Assistant U.S. Attorney Joseph M. Tripi voiced concern about another change in lawyers delaying the trial.

“This is now the third set-in-stone trial date,” he said of the Oct. 23 date.

Neither of the previous postponements have been caused by the prosecution, he said.

Tripi suggested it would be “prudent for the court to dig a little deeper” into Gerace’s motive for trying to replace Cohen.

“If you were to find this is a tactical delay, you could deny it,” Tripi said.

“To suggest this is a delay tactic is contrary to the record,” Cohen replied.

Patrick Lakamp can be reached at plakamp@buffnews.com

By Patrick Lakamp

Enterprise Editor

https://buffalonews.com/news/local/crime-and-courts/key-witness-in-high-profile-sex-drug-trafficking-trial-is-dead/article_e8d4d44c-32d6-11ee-b4c6-cf4a231ed475.html

EDITOR'S PICK

Key witness in high-profile sex, drug-trafficking trial is dead

Patrick Lakamp

Aug 4, 2023

Patrick Lakamp

A key witness in the bribery, sex- and drug-trafficking trial of strip club owner Peter G. Gerace Jr. has died, underscoring the risks of any more delays in his trial, a federal prosecutor said at a court proceeding Friday.

If his trial had not been postponed from the original June 21 start date, “that witness would have testified already,” Assistant U.S. Attorney Joseph M. Tripi said.

Now, jurors may never know about what the witness would have said in court, Tripi said.

The young woman contacted the FBI on March 14 to report her mother and roommate had found dead rats on their cars where she lived, prosecutors previously said.

Tripi mentioned the dead rats when revealing the witness had died.

The prosecutor said the circumstances of her death are being investigated, but Steven Cohen, a defense lawyer for Gerace, said the witness died by suicide. He added that she was under “pressure from the U.S. Attorney’s Office” to testify against Gerace.

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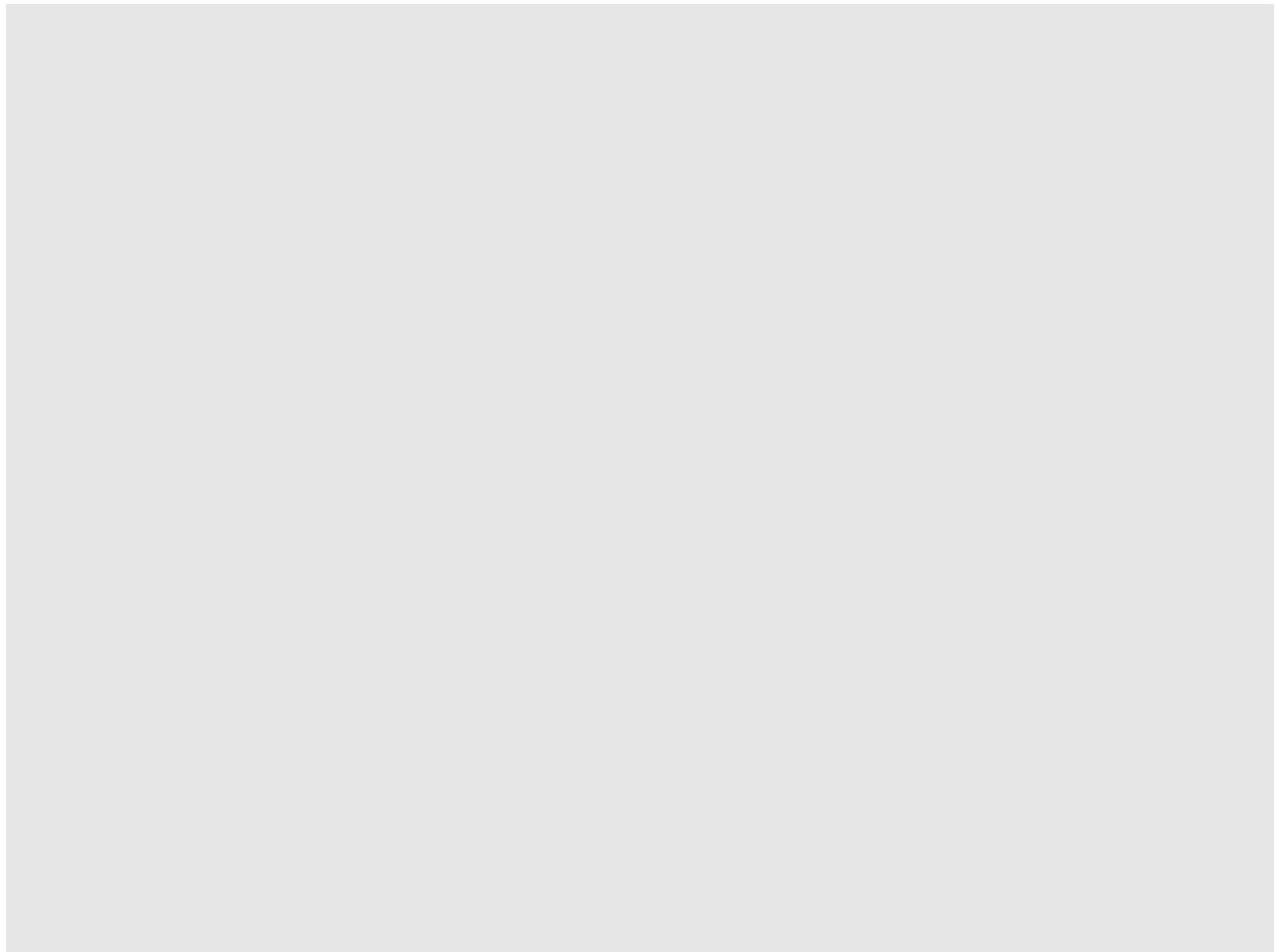
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The woman, whose name was not said during the court hearing, was a friend of Gerace's who was also on the defense's witness list, Cohen said.

"Peter is devastated by the loss of his friend," Cohen said after Friday's hearing. "And for Tripi to have raised the issue of rats is disgusting, because there's no connection between Peter and the alleged dead rats on the car. We don't know how that came about."



The mother and roommate of a prosecution witness against Peter Gerace Jr. found dead rats on their cars where the witness lives, according to federal prosecutors. A lawyer for Gerace said there is no evidence linking the rats to him. The photo comes from a court filing submitted by the U.S. Attorney's Office.

She is the second person with connections to the case who has died.

Federal prosecutors described John L. Michalski, a State Supreme Court justice who later died by suicide, as an unindicted co-conspirator in Gerace's sex-trafficking case, because of evidence showing him to be a customer of "high-end prostitution."

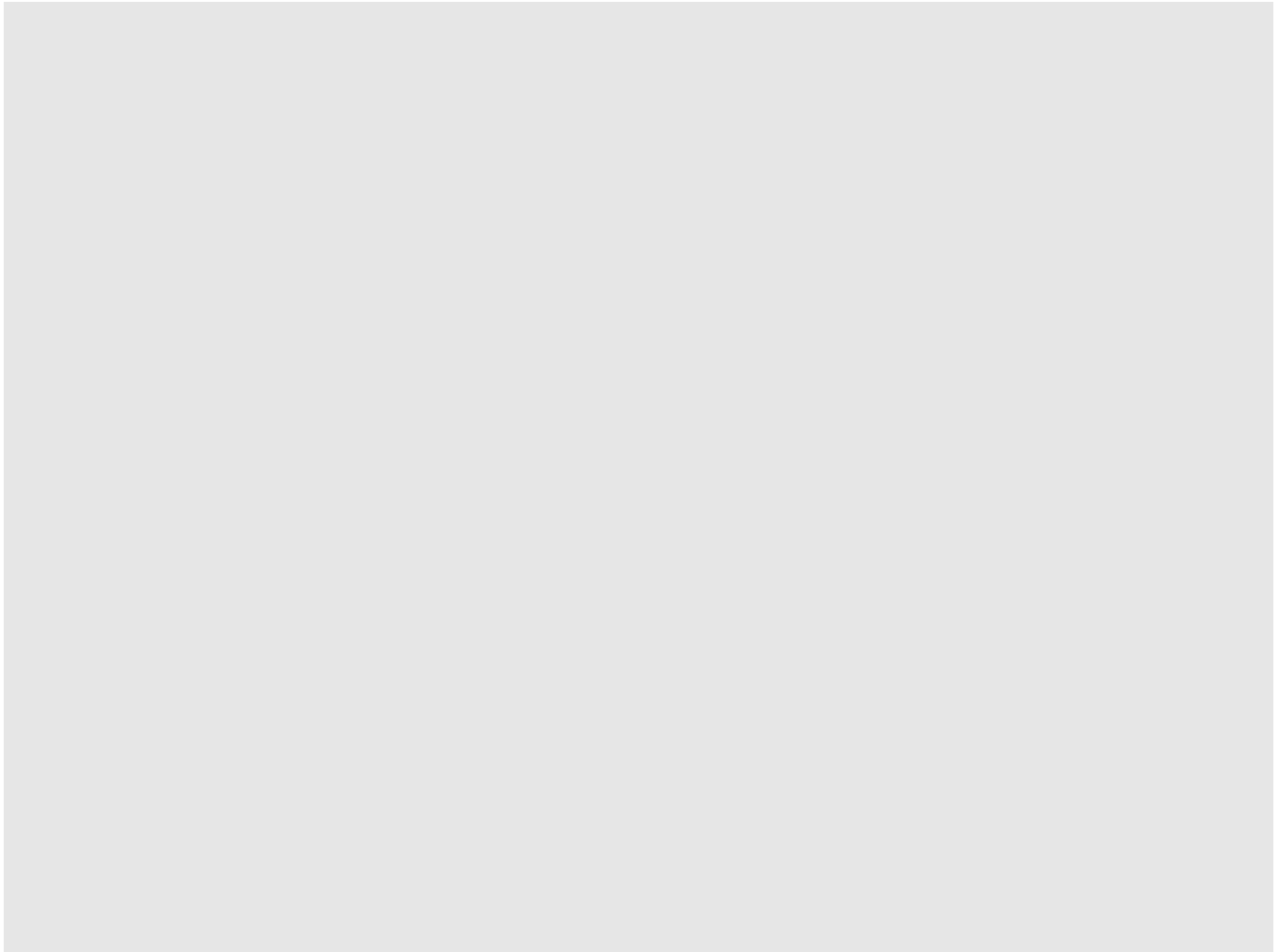
"The two people who are now deceased took their own lives and would have been very beneficial witnesses for Peter," Cohen said. "The witness who just killed herself this past week was on my witness list. She was one of my key witnesses. I had a folder of questions I was going to ask her."

Cohen said the woman had reached out to Gerace, who remains in pretrial custody. But Cohen said he would not allow Gerace to respond to her for fear that prosecutors would claim he was trying to tamper with a witness.

The woman faced criminal charges of her own, and she told Gerace that prosecutors told her she would be prosecuted unless she testified against him, Cohen said.

"The problem with the government is that they believe that every witness is theirs as a matter of right, and that they can go to anyone and say, 'if you don't cooperate with us, we will bring charges and we will prosecute you for other crimes,' " Cohen said. "They have ability to put enormous pressure on someone."

Under that kind of pressure, Cohen said, potential witnesses will ask themselves, "Do I tell a lie against a criminal defendant? Or do I lose my children? Or do I go to jail myself? That is patently unfair."



Steven Cohen, defense lawyer for Peter G. Gerace Jr., said Friday that the woman who was to be a key witness in his client's bribery and drug-trafficking trial died by suicide.

Buffalo News file photo

Gerace faces up to life imprisonment on charges that he bribed a federal agent, conspired to distribute controlled substances, maintained Pharaoh's Gentlemen's Club in Cheektowaga as a drug-involved premises and victimized vulnerable women by exploiting their drug addictions in order to coerce them into engaging in commercial sex acts with him, his friends and associates.

Prosecutors are dealing with some vulnerable witnesses, and that is why they're concerned about how long the trial is taking to start.

Tripi revealed the death of the witness as U.S. District Judge Lawrence Vilaro asked about Gerace's legal representation.

Cohen has said Gerace intends to fire him over “irreconcilable” differences in legal strategy, but the defendant has struggled to arrange new legal representation while in custody.

Tripi raised his concern about whether Gerace was trying to delay the trial for a tactical advantage.

“I don’t think there’s a tactical reason for the delay here,” Vilardo said.

Vilardo has received information from Gerace – which has not been made public – about his unhappiness with Cohen.

Cohen has said Gerace’s dissatisfaction with his legal representation stems from not following through with some of Gerace’s instructions that Cohen said were at odds with his trial strategy.

Vilardo will not release Cohen from the case until there is new counsel.

The judge ordered Cohen to assist Gerace in finding new counsel.

“You’re not in jail,” Vilardo said. “You can find lawyers.”

Vilardo told Cohen to report back at the next court proceeding on Aug. 18 how the new attorney’s schedule can accommodate the Oct. 23 trial start.

“From the government’s perspective, this case has to go Oct. 23rd,” Tripi said.

Federal authorities have accused Gerace of bribing Joseph Bongiovanni, at the time a Drug Enforcement Administration agent, and conspiring to engage in drug trafficking and human trafficking at Pharaoh’s. Prosecutors have charged the now-retired Bongiovanni with accepting \$250,000 in bribes from drug dealers whom he thought were associated with Italian organized crime and shielding them from arrest, as well as providing them with information about investigations and cooperating sources. Both have pleaded not guilty. Both are scheduled to stand trial together.

In May, a June trial start day was postponed to Aug. 14 when defense attorney James P. Harrington, who had represented Bongiovanni since April 2020, was allowed to withdraw from the case for medical reasons. Attorneys Robert Singer and Parker MacKay were named as replacements, and they were given 89 days to prepare for trial.

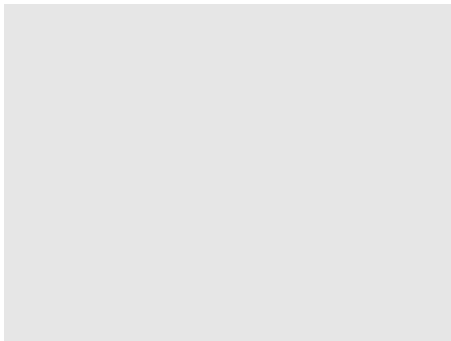
Then, the trial date was pushed back to Oct. 23 after U.S. District Judge John L. Sinatra Jr. removed himself from the case, prompting it to be reassigned to Vilardo.

When Vilardo set the Oct. 23 trial date, he characterized it as “cast in stone.”

“I’m very sympathetic to what Mr. Tripi is saying about getting this trial tried,” Vilardo said Friday. “I want to get this done, and it will get done.”

Cohen denied trying to delay the trial, and pointed out his opposition to postponing the June trial start date.

“We’ve been pushing this case all along, especially with Peter rotting in jail,” Cohen said.



Peter Gerace Jr.

Courtesy of Niagara County Sheriff's Office

Patrick Lakamp can be reached at plakamp@buffnews.com

By Patrick Lakamp
Enterprise Editor

https://buffalonews.com/news/local/crime-and-courts/joseph-bongiovanni-peter-gerace-organized-crime-trial/article_91591904-378f-11ee-93f8-07decfbca6c3.html

EDITOR'S PICK

Indicted ex-DEA agent restless for trial as co-defendant searches for new lawyer

Patrick Lakamp

Aug 10, 2023



Former DEA agent Joseph Bongiovanni arrives at the Robert H. Jackson U.S. Court House for a hearing for an upcoming trial on drug and bribery charges with his attorneys, Parker R. MacKay, left, and Robert Singer, right, Wednesday, June 21.

Derek Gee/Buffalo News

Patrick Lakamp

Four years into wearing an ankle bracelet as an indicted ex-DEA agent, Joseph Bongiovanni now fears it could take well into a fifth year before he can try to clear his name in a courtroom.

His co-defendant's unsettled legal representation makes it inevitable that the scheduled Oct. 23 trial date will be delayed by several months – if the two are tried together, Bongiovanni's lawyers say.

Key witness in high-profile sex, drug-trafficking trial is dead

So his defense counsel, in a court filing Thursday, revived the idea of separate trials for Bongiovanni and Peter Gerace Jr., an idea squelched by the first federal judge who presided over the bribery, sex- and drug-trafficking case.

Bongiovanni can accept a reasonable delay over getting new counsel for Gerace, said attorney Robert Singer, who with Parker MacKay, has represented Bongiovanni since May.

“However, in the event a delay will be significant and push this trial well into 2024 – something none of us know at this point – he is concerned about such an outcome and asked us to raise this concern with the court,” Singer said in his court filing.

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Strip club owner fires lawyer over defense strategy in bribery, sex- and drug-trafficking case

The comings and goings of lawyers and judges in the case have already caused the trial to be postponed twice.

While not in custody, the delays are taking a toll on Bongiovanni.

“The bail conditions and charges have impacted his life significantly,” Singer wrote. “He has developed health problems due to wearing an ankle bracelet for four years. He feels isolated and experiences depression and stress. He has been the subject of several indictments and countless articles in the press and media that portray him as a corrupt cop and Italian organized crime sympathizer.”

Federal authorities have accused Gerace of bribing Bongiovanni, at the time a Drug Enforcement Administration agent, and conspiring to engage in drug trafficking and human trafficking at Pharaoh’s Gentlemen’s Club, the strip club Gerace owns in

Cheektowaga. Prosecutors have charged the now-retired Bongiovanni with accepting \$250,000 in bribes from drug dealers whom he thought were associated with Italian organized crime and shielding them from arrest, as well as providing them with information about investigations and cooperating sources. Both have pleaded not guilty.

In May, a June trial was postponed to Aug. 14 when defense attorney James P. Harrington, who had represented Bongiovanni since April 2020, was allowed to withdraw from the case for medical reasons. Singer and MacKay replaced him, and they were given 89 days to prepare for trial.

New trial date set for strip club owner, ex-DEA agent in bribery, sex- and drug-trafficking case

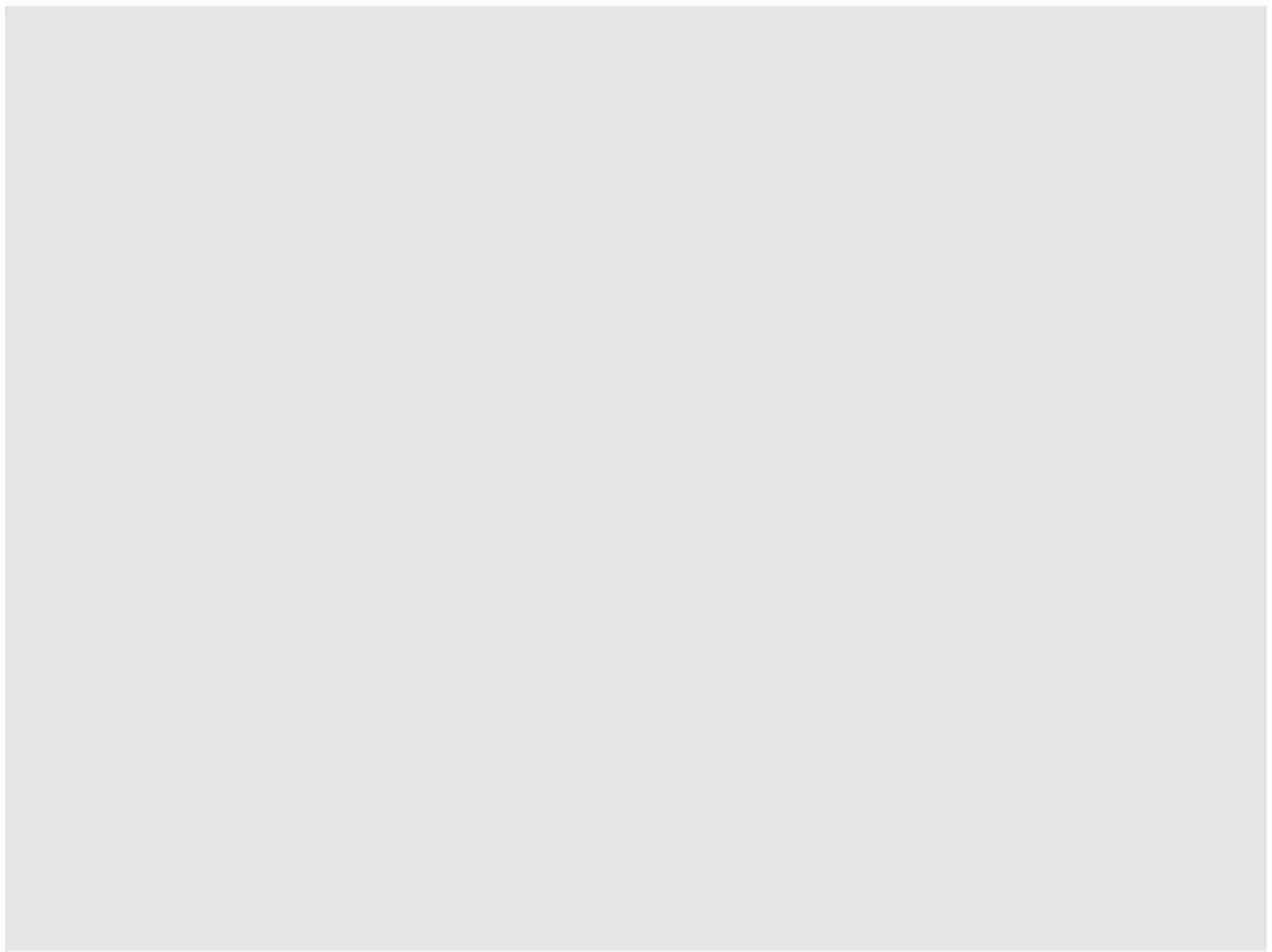
Then, the trial date was pushed back to Oct. 23 after U.S. District Judge John L. Sinatra Jr. removed himself from the case, prompting it to be reassigned to U.S. District Judge Lawrence Vilardo.

Last month, Steven Cohen, the defense lawyer for Gerace, told Vilardo that Gerace fired him over “irreconcilable” differences in legal strategy. The revelation came shortly after Vilardo allowed attorney Eric Soehnlein to withdraw from the Gerace defense team.

Vilardo encouraged Cohen and Gerace to repair their relationship, but that has not seemed to happen, according to Bongiovanni’s lawyers.

Cohen and Gerace speak infrequently and no longer have substantive case discussions, according to Singer’s court filing. Gerace continues to search for new counsel while in pretrial custody at the Niagara County jail, but he has not found one.

“While the court has maintained Mr. Cohen’s status as counsel of record in this matter, his practical status is ambiguous, at best,” according to the court filing. “Since July 15, all Mr. Cohen has done is discuss Gerace’s dissatisfaction with him and Gerace’s desire to find a new attorney.”



Judge recuses himself from strip club owner case after voicing suspicion of legal 'gamesmanship'

Cohen could not be immediately reached for comment.

This has not helped either Gerace or Bongiovanni's defense team prepare for trial, "since we are currently unable to coordinate with Mr. Gerace or his fired counsel directly," Singer said.

The uncertainty over Gerace's counsel has also slowed pretrial motions.

Last week, Bongiovanni's lawyers expected to argue a motion to exclude Italian organized crime evidence from the trial. Vilardo postponed that argument, given the circumstances over Gerace's representation. This motion is important to Bongiovanni, and Vilardo's eventual decision will dramatically affect trial preparation and strategy, Singer said.

"We expected the court to resolve this issue or be close to resolving it by the end of this month," he said.

A new date to argue the motion has not been announced.

"This motion is just one example of how this issue (concerning Gerace's counsel) has impacted pretrial preparation," Singer said.

Last Friday, Vilardo scheduled a status conference for Aug. 18, telling Cohen to assist Gerace in finding new counsel in the meantime.

Bongiovanni's lawyer, in Thursday's filing, asked the court to hold a status conference before then to determine Cohen's status, whether Gerace intends to represent himself or retain new counsel, or whether the court will appoint a counsel for Gerace.

"No matter how this issue is resolved, we view a request for delay of the current trial date as inevitable," Singer said in the filing. "Newly retained or appointed counsel will need time to prepare and, if Mr. Gerace decides to proceed pro se, then he will also

need time to prepare.”

No attorney can reasonably prepare for this trial in two-and-a-half months, he said.

What’s more, all of the attorneys that Gerace has considered hiring already have trials scheduled in the fall, preventing them from taking on his case until early 2024 or later, they added.

“This is why we believe that another delay – possibly a significant delay – is inevitable,” Bongiovanni’s attorneys said.

Bongiovanni’s lawyers acknowledged the first trial postponement was caused by the changes in his defense team. But Bongiovanni was a bystander in the second postponement when Sinatra recused himself and would also be so if Vilardo delays the October trial over Gerace’s unsettled defense counsel.

“The government also is responsible for delay,” they said. “It pursued a superseding indictment in June 2020 and a second superseding indictment in February 2021, which added co-defendant Gerace.

“We also believe that the court holds responsibility for some delay too when the formerly assigned district judge held onto this matter after being warned that his relatives were possibly going to be called as witnesses at this trial.”

Prosecutors have been frustrated by the recent postponements, openly questioning in court if legal maneuvers by the defense are being taken for tactical advantage. A potential key witness in the trial recently died, underscoring the risks of any more delays, Assistant U.S. Attorney Joseph M. Tripi said at a hearing last week.

Tripi has urged Vilardo to stick with the October trial start date.

Tripi said Gerace knows that many of the Pharaoh’s dancers – alleged victims and likely witnesses in the case – have substance abuse issues.

“Delaying the trial repeatedly risks witnesses dying, relapsing on drugs or otherwise becoming unavailable,” Tripi said at last week’s hearing.

As Bongiovanni's lawyers see it, another delay, not just by several weeks or months, but longer, would impair his ability to defend himself.

If Gerace's counsel issue is not determined quickly and the delay turns into a significant length of time, then the court should hold a separate trial for Bongiovanni and then hold one for Gerace when he is prepared to proceed with or without counsel, Singer said.

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By Patrick Lakamp

Enterprise Editor

https://buffalonews.com/news/local/crime-and-courts/fbi-raids-house-peter-gerace-strip-club-crystal-quinn/article_955f0d5a-3d3a-11ee-88e5-676b5c18dd94.html

ALERT

FBI raids house while investigating death of witness against strip club owner

Dan Herbeck

Aug 18, 2023



An FBI agent at the door of a home in Wellsville, as agents execute a search warrant on Aug. 8 at a nearby residence where Crystal Quinn was found dead seven days earlier.

Courtesy of John Anderson, WellsvilleSun.com

Dan Herbeck

FBI agents executed a search warrant at an Allegany County home last week while investigating the death of a former exotic dancer who was going to testify as a prosecution witness at the trial of strip club owner Peter Gerace Jr.

Crystal Quinn, 37, died Aug. 1 in a home on Scott Avenue in the village of Wellsville, roughly 85 miles southeast of Buffalo. A team of FBI agents searched the home for evidence on Aug. 8.

Key witness in high-profile sex, drug-trafficking trial is dead

“The cause of death has not yet been determined,” Dylan Foust, an Allegany County coroner, told The Buffalo News on Thursday. “The investigation is continuing.”

Foust added that his office is waiting for the results of toxicology tests to determine if Quinn died of a drug overdose. He said he saw no signs of foul play at the Wellsville home, but added that he does not know what the FBI is investigating.

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One week after Quinn's death, a large team of FBI agents – some of them carrying semi-automatic weapons – searched the home where Quinn's body had been found.

During the raid, some of the FBI agents exploded what appeared to be flash-bang grenades, according to a **WellsvilleSun.com** newsman who was on the scene.

WellsvilleSun.com reported the home is owned by **Simon Gogolack**, a man with a history of arrests.

FBI uses concussion grenades during incident in village of ...

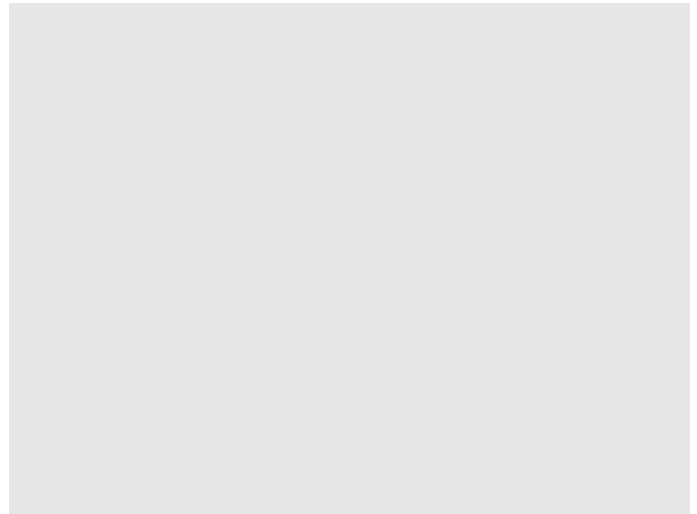


FBI agents are investigating Quinn's death, according to four sources familiar with the probe. No one has been arrested in connection with the death.

“There had to be close to 50 FBI vehicles there,” said John Anderson, a reporter and editor with the **WellsvilleSun.com** website who photographed the FBI raid. “It was a huge federal police presence. Everybody in Wellsville is wondering what all this was about.”

The FBI and U.S. Attorney’s offices in Buffalo declined Thursday to discuss Quinn’s death. FBI spokeswoman Jeannie McBride did confirm that FBI agents conducted a court-authorized search of the Wellsville home.

According to her attorney, Quinn had been interviewed at least three times by Buffalo FBI agents, and she had agreed to testify in the upcoming trial of Gerace, owner of Pharoah’s Gentlemen’s Club in Cheektowaga. Gerace has pleaded not guilty to charges of drug trafficking, sex trafficking and bribery of a federal drug agent.



Peter Gerace Jr.

Courtesy of Niagara County Sheriff's Office

Strip club owner fires lawyer over defense strategy in bribery, sex- and drug-trafficking case

“She had agreed to testify,” Quinn’s attorney, Michael L. D’Amico, told The News on Thursday. “I spoke to her on the phone the night before she died. Nobody ever wants to testify as a government witness in a criminal trial, but there was nothing she said that gave me any indication that she felt in danger for her life, or that she was suicidal.”

D’Amico added that Quinn was “afraid, scared” in early March, when someone left dead rats on two cars outside the Depew home where she was living. But he added that she did not seem to be in fear for her life.

“She never indicated to me that she felt that she would be harmed by Peter Gerace,” D’Amico said. “And I never saw any indication that she felt she was under any undue pressure from the FBI.”

“At this point, I just don’t know,” D’Amico said, when asked if he believes she died from an accidental overdose, suicide or foul play. “This is a very sad situation. This is a young woman who had gone through some issues in her life and was trying her best to deal with her issues. She was stressed about testifying at the trial, but she appeared to be under no more stress than other clients I have represented in the past.”

D’Amico added, “It’s also very possible that her death had nothing to do with this trial. There are a lot of very dangerous drugs out there, and I’ve had other clients who died from them.”

Although he did not mention her name, prosecutor Joseph M. Tripi discussed **the death of a key witness** during a federal court appearance on Aug. 3, two days after Quinn died.

Tripi lamented that the witness would have testified for the prosecution if the trial of Gerace and retired DEA Agent Joseph Bongiovanni had not been postponed from its originally planned June 21 start date.

Strip club owner facing trial arrested on new charges of witness tampering

Now, jurors may never know what the witness would have said in court, Tripi added.

Earlier this year, prosecutors stated that the witness had contacted the FBI on March 14 to report her mother and roommate had **found dead rats on their cars** where she lived.

Tripi mentioned the dead rats on Aug. 3 when revealing in court that the witness had died.

While Tripi said in court that the death was under investigation, Gerace's attorney, Steven M. Cohen, said that day that the witness committed suicide after prosecutors had put her under pressure to testify against the strip club owner.

Tripi did not return a message from a News reporter Thursday, and Cohen said he could not discuss Quinn's death.

Gogolack and a member of Quinn's family also did not respond to messages left by The News.

Feds arrest woman expected to testify against strip club owner in upcoming trial

The News obtained court records on Thursday showing that Quinn was arrested in February by FBI agents, who accused her of using Facebook to send vulgar and threatening messages to another former exotic dancer who was expected to testify for the prosecution in Gerace's trial.

The Facebook messages called the government witness a "snitch" and a "nark" and threatened harm against her, according to court papers filed by Tripi's team of federal prosecutors.

Quinn was charged with felony witness tampering, but the charges against her were dropped on April 6, at Tripi's request, court records show.

“I can’t comment,” D’Amico said, when asked if the charges against Quinn had been dropped because she agreed to testify against Gerace.

Quinn’s death is the latest strange turn in an investigation that began more than four years ago.

Bongiovanni, the former DEA agent, was arrested on bribery charges – which he denies – in November 2019.

In 2021, new charges were filed against Gerace and Bongiovanni, who was accused of accepting bribes from drug dealers who he believed were associated with Italian organized crime. Gerace was accused of drug trafficking, sex trafficking and paying bribes to Bongiovanni to keep him out of trouble. Bongiovanni and Gerace both have denied the accusations.

Gerace is a nephew of Buffalo restaurateur **Joseph A. Todaro**, who has been identified by federal agents and prosecutors as a leader of Buffalo’s organized crime family. Todaro denies the mob accusations and has never been charged in connection with any of Gerace’s suspected activities.

In April 2022, State Supreme Court **Justice John Michalski**, who was a close, long-time friend of Gerace, committed suicide at his Amherst home 12 days after federal and state police executed a search warrant there. Friends and his former attorney told The News that Michalski had been under pressure from federal authorities to testify against Gerace.

In June this year, U.S. District Judge John L. Sinatra Jr. recused himself from the case, saying that he was required to do so because someone he knew was listed as a potential witness by Gerace’s defense team.

The case is now before U.S. District Judge Lawrence J. Vilaro, who has scheduled the trial to begin in October.

People in Wellsville are wondering what, if any, connection their village has to all this, said Anderson, the Wellsville reporter.

“You had this huge raid, with all these FBI agents with semi-automatic weapons. They searched that house for eight hours, must have searched every inch of it,” Anderson said. “Since then, there’s not been one official word from the FBI or the U.S. Attorney explaining what it’s all about. People are wondering, 'What in the world is all this about?' ”

By Dan Herbeck

News reporter, Watchdog Team

https://buffalonews.com/news/local/crime-and-courts/witness-who-died-was-under-extreme-pressure-to-testify-against-strip-club-owner-her-mom/article_76730192-3de6-11ee-bfef-bfef7b1e42d7.html

EDITOR'S PICK

TOPICAL

Witness who died was under 'extreme pressure' to testify against strip club owner, her mom says

Dan Herbeck

Aug 20, 2023

Her mother wants Crystal Quinn to be remembered as more than “Witness 201,” a former exotic dancer who died while waiting to testify in a high-profile trial of Peter Gerace Jr. over alleged sex trafficking and drug dealing at his strip club.

“My daughter was a sweet, beautiful and loving person,” Sharon Quinn of Depew told The Buffalo News after a hearing at federal court on Friday.

“She only worked a very brief time as an exotic dancer. To remember her only as a stripper who was caught up in some kind of sex trafficking trial, that’s very unfair. She was a kind person. She never would have stood by and allowed some young girl to get forced into sex trafficking.”



Crystal Quinn was expected to testify for the prosecution at the upcoming bribery, drug trafficking and sex trafficking trial of Peter Gerace Jr.

Courtesy of Sharon Quinn



In-store shc
Curbside pi

The FBI is investigating the Aug. 1 death of Quinn, 37, at a friend's home in the Allegany County Village of Wellsville.

Agents executed a search warrant on Aug. 8 at the Wellsville home, as authorities try to determine the cause of her death.

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"The cause of death has not yet been determined," Dylan Foust, an Allegany County coroner, told The News.

Foust added that his office is waiting for the results of toxicology tests to determine if Quinn died of a drug overdose. He said he saw no signs of foul play at the Wellsville home, but added that he does not know what the FBI is investigating.

About two hours after Wellsville police were dispatched to the single family home where Quinn's body was found, authorities were called back to the same home because a person was overdosing on drugs there, said Wellsville Police Chief Tim O'Grady. That call was non-fatal, said O'Grady, who would not identify that victim.

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Sharon Quinn and John Grieco talk with a Buffalo News reporter about Quinn's late daughter, Crystal Quinn, in the lobby of the federal courthouse in Buffalo on Aug. 18. "I do not believe this was a suicide," Grieco said of Crystal's death on Aug. 1.

Dan Herbeck

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Gerace 'one of her closest friends in the world'

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Quinn was charged with felony witness tampering, but the charges against her were dropped on April 6, at Tripi’s request, court records show.

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Contact Mike McAndrew at mmcandrew@buffnews.com

By Dan Herbeck

News reporter, Watchdog Team

https://buffalonews.com/online/good-morning-buffalo-witness-who-died-was-under-extreme-pressure-to-testify-against-strip-club/article_03d17cea-3ec2-11ee-9993-d7c9c1476ab6.html

Good Morning, Buffalo: Witness who died was under 'extreme pressure' to testify against strip club owner, her mom says

Aug 20, 2023

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Courtesy of Sharon Quinn

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Agents executed a search warrant on Aug. 8 at the Wellsville home, as authorities try to determine the cause of her death.

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– *Dan Herbeck*

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Joshua Bessex, Buffalo News

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Email **feedback@buffnews.com**.

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EDITOR'S PICK TOPICAL

Witness who died was under 'extreme pressure' to testify against strip club owner, her mom says

Dan Herbeck

Aug 20, 2023

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Courtesy of Sharon Quinn

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Dan Herbeck

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Courtesy of John Anderson, WellsvilleSun.com

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Contact Mike McAndrew at mmcandrew@buffnews.com

By Dan Herbeck

News reporter, Watchdog Team

https://buffalonews.com/news/local/crystal-quinn-peter-gerace-death-pharaohs-witness-simon-gogolack/article_850620fc-4775-11ee-bd9e-1fbdfac32d78.html

TOP STORY

EDITOR'S PICK

Wellsville man accused of giving drugs to Pharaoh's witness who died

Dan Herbeck

Aug 30, 2023

Dan Herbeck

A Southern Tier man with a history of drug-related charges has become entangled in the FBI's probe into the death of a government witness in the Pharaoh's strip club case.

Simon P. Gogolack, 39, of Wellsville, was taken back to the Niagara County Jail after a brief appearance in federal court Wednesday afternoon.



Key witness in high-profile sex, drug-trafficking trial is dead

According to court papers, Gogolack was arrested earlier this month on drug and firearms charges as part of the FBI investigation into the death of Crystal Quinn, 37, of Lancaster. Quinn died on Aug. 1 in a Wellsville home owned by Gogolack, and Gogolack found her body.

None of the charges against Gogolack accuse him of causing Quinn's death, but a sworn statement from an FBI agent says Gogolack admitted giving two drugs to the woman before she died.

A former exotic dancer, house cleaner and collections worker, **Quinn was expected to testify** in the upcoming trial of **Peter Gerace Jr.**, a strip club owner accused of drug trafficking, sex trafficking and paying bribes to a federal DEA agent.

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Witness who died was under 'extreme pressure' to testify against strip club owner, her mom says

Robert J. Bolm, Gogolack's attorney, said he believes "the feds" are trying to blame his client and perhaps Gerace for the woman's death.

"I believe that what we have here is an accidental overdose of a woman who was under tremendous pressure from the FBI. It's a tragic situation, and the FBI is trying to make something more of it," Bolm told a Buffalo News reporter at the courthouse.

"It's never a good thing to wake up next to a dead woman, and that's the situation my client is in," Bolm added.

The U.S. Attorney's office declined to comment on Bolm's remarks.

The cause of Quinn's death is under investigation by Wellsville police and the Allegany County coroner's office. Dylan Foust, a county coroner, told The News late Wednesday that authorities are still waiting for the results of toxicology tests taken after Quinn's death.



FBI raids house while investigating death of witness against strip club owner

U.S. Magistrate Judge Jeremiah J. McCarthy planned to hold a detention hearing on Wednesday to determine if Gogolack should be kept in jail until his trial. But the judge postponed the session after Gogolack's attorney said he needs more time to evaluate information given to him by prosecutors.

That information included a criminal complaint signed on Aug. 17 by Anthony J. Butera, an FBI agent who specializes in public corruption crimes, accusing Gogolack of four felonies – maintaining a drug-involved premises, being a user of a controlled substance in possession of guns and ammunition, being a felon in possession of firearms and ammunition, and possessing guns in furtherance of drug trafficking.

Those crimes took place between early July and Aug. 9, and “the investigation is ongoing,” Butera said in the complaint.

Butera said Wellsville police found the body of “the decedant” in Gogolack’s home after Gogolack called 911.

“Possible overdose ... he tried Narcan,” Gogolack indicated in his call to 911, according to Butera’s complaint.



Strip club owner fires lawyer over defense strategy in bribery, sex- and drug-trafficking case

Police who went to the home found that Gogolack was acting in an erratic manner and appeared to be under the influence of methamphetamine, the FBI agent stated.

According to Butera’s criminal complaint, Gogolack admitted to the FBI that he gave the woman who died in his home some “homemade hash” and a “Xanax bar” before she became unconscious.

Federal officials have not publicly identified the deceased witness, but Quinn’s family identified her as Quinn, a longtime friend and former employee of Gerace.

Quinn's mother, Sharon Quinn, told The News her daughter was upset over **“extreme pressure” that the FBI put on her** to testify against Gerace, whom she considered a dear friend.

Gogolack was arrested on traffic charges by Depew Police on Aug. 2 while attempting to deliver the dead woman's car to her family, court papers stated.



Strip club owner accused of drug and sex trafficking faces additional \$2 million Covid fraud counts

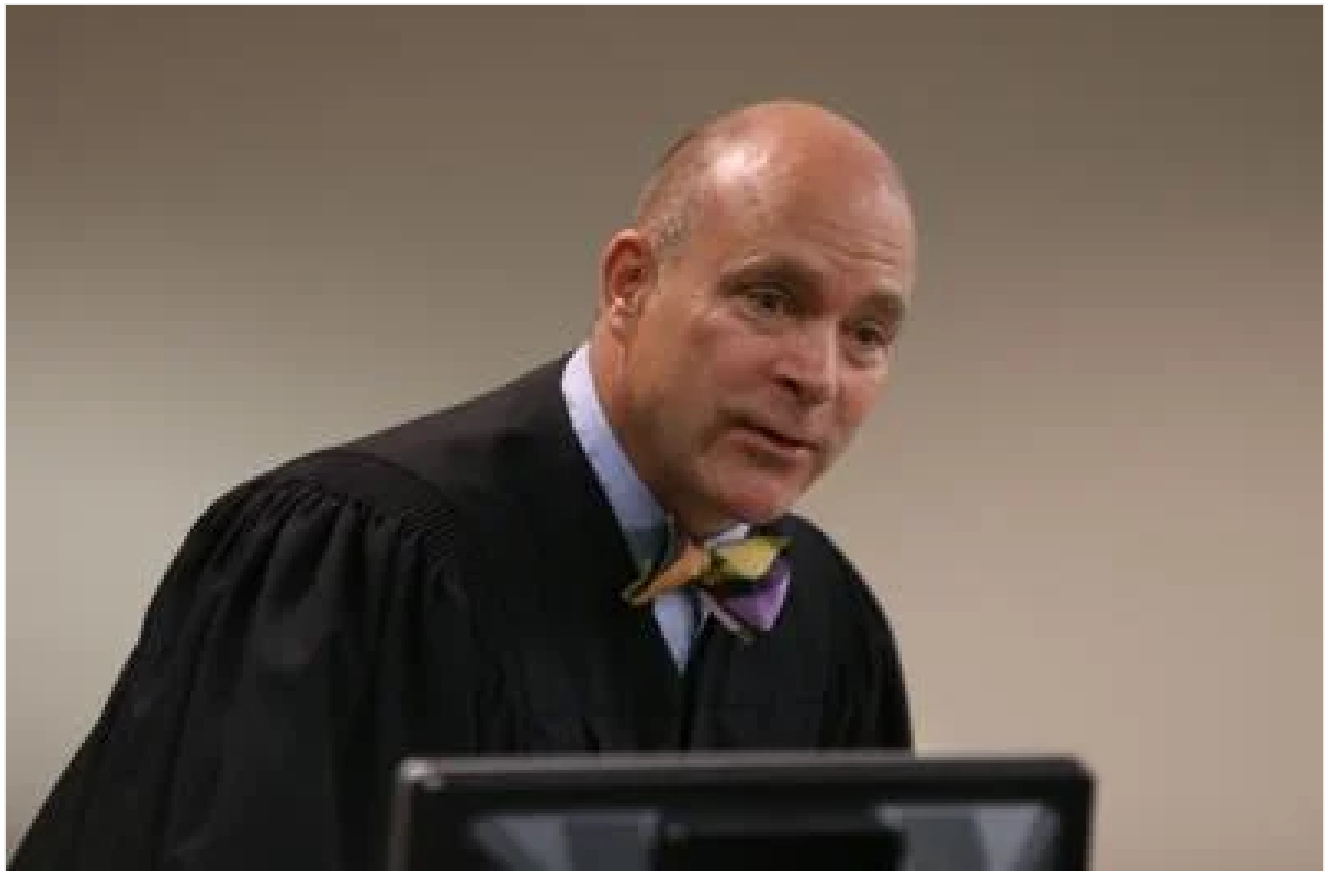
FBI agents seized Gogolack's cellphone that day. Butera said evidence taken from the phone indicates that Gogolack is "a narcotics and firearms dealer."

On Aug. 8, dozens of **FBI agents converged on Gogolack's Wellsville home** with a court-authorized search warrant. Small quantities of several drugs, body armor, a shotgun, parts of a semiautomatic rifle and 150 rounds of ammunition were recovered from the home, prosecutors said.

The FBI said Gogolack has been arrested four times in the past on drug-related charges.

Gogolack was sentenced to five years on probation in 2007 after a felony conviction for selling drugs. His probation was later revoked due to another drug arrest, and he was sent to prison for a year, the FBI agent said.

Gogolack's arrest by the FBI is the latest twist in the case involving Gerace and Joseph Bongiovanni, a former U.S. Drug Enforcement Administration agent accused of taking bribes from Gerace and enabling him to deal drugs. Both men have pleaded not guilty. They are scheduled for trial in October.



Prosecutor calls late Judge Michalski 'unindicted co-conspirator' in Gerace sex-trafficking case

Quinn is the second potential witness in the case who has died.

State Supreme Court Judge **John Michalski**, a longtime friend of Gerace's who had been approached for questioning by the FBI, committed suicide in his Amherst home in April 2022, 12 days after **police executed a search warrant** there.

Quinn had been arrested earlier this year on witness tampering charges, after she reportedly threatened a witness against Gerace. The charges were dropped after she agreed to testify as a prosecution witness in Gerace's upcoming trial.

Gerace's attorneys have said he has been unfairly targeted by Tripi and the FBI. They said he installed surveillance cameras and took other steps to prevent any illegal activities at his business, Pharaoh's Gentlemen's Club in Cheektowaga.

But prosecutor Joseph M. Tripi, speaking in court earlier this month, said Gerace has employed members of a biker gang at Pharaoh's as part of an effort to intimidate "vulnerable young ladies" who will be called to testify at Gerace's trial.

Gerace has also described himself as "untouchable" because of his "law enforcement and judicial contacts" and because of his reported connections with "the Mafia," Tripi said on Aug. 17.

Gerace has denied being involved in organized crime.

By Dan Herbeck

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